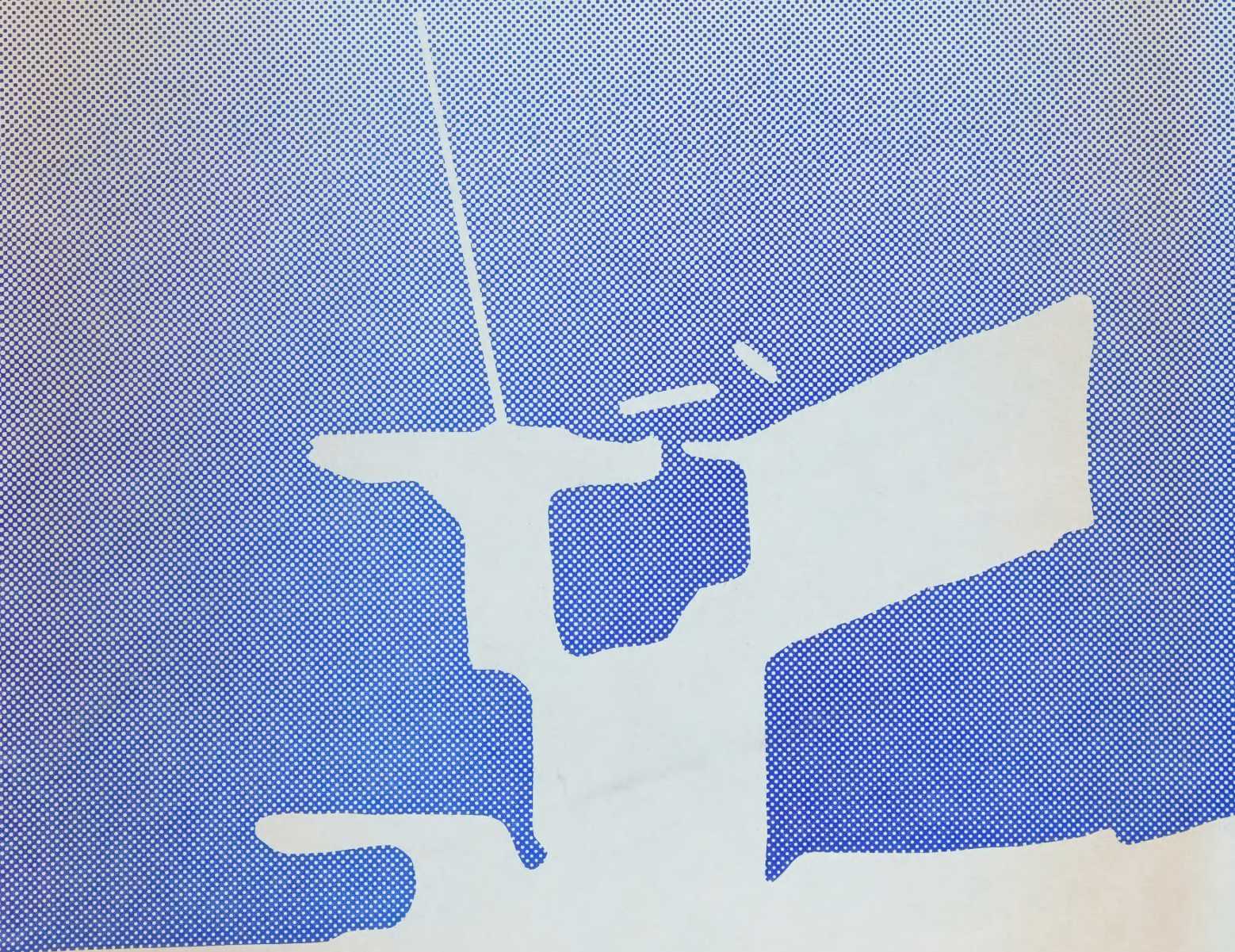


PHASE 1

WATERFRONT

PLANNING PROCESS:

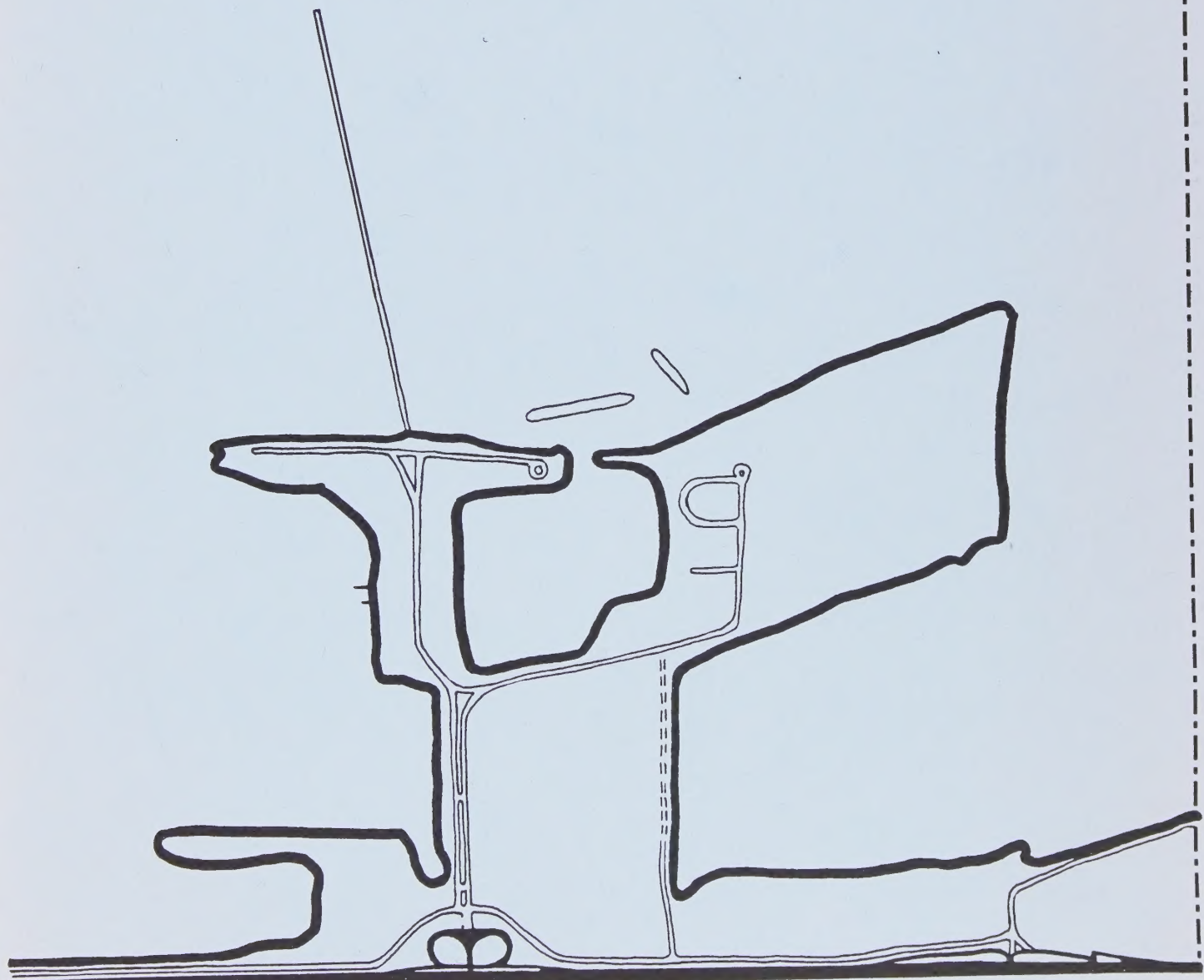
Report and Recommendations

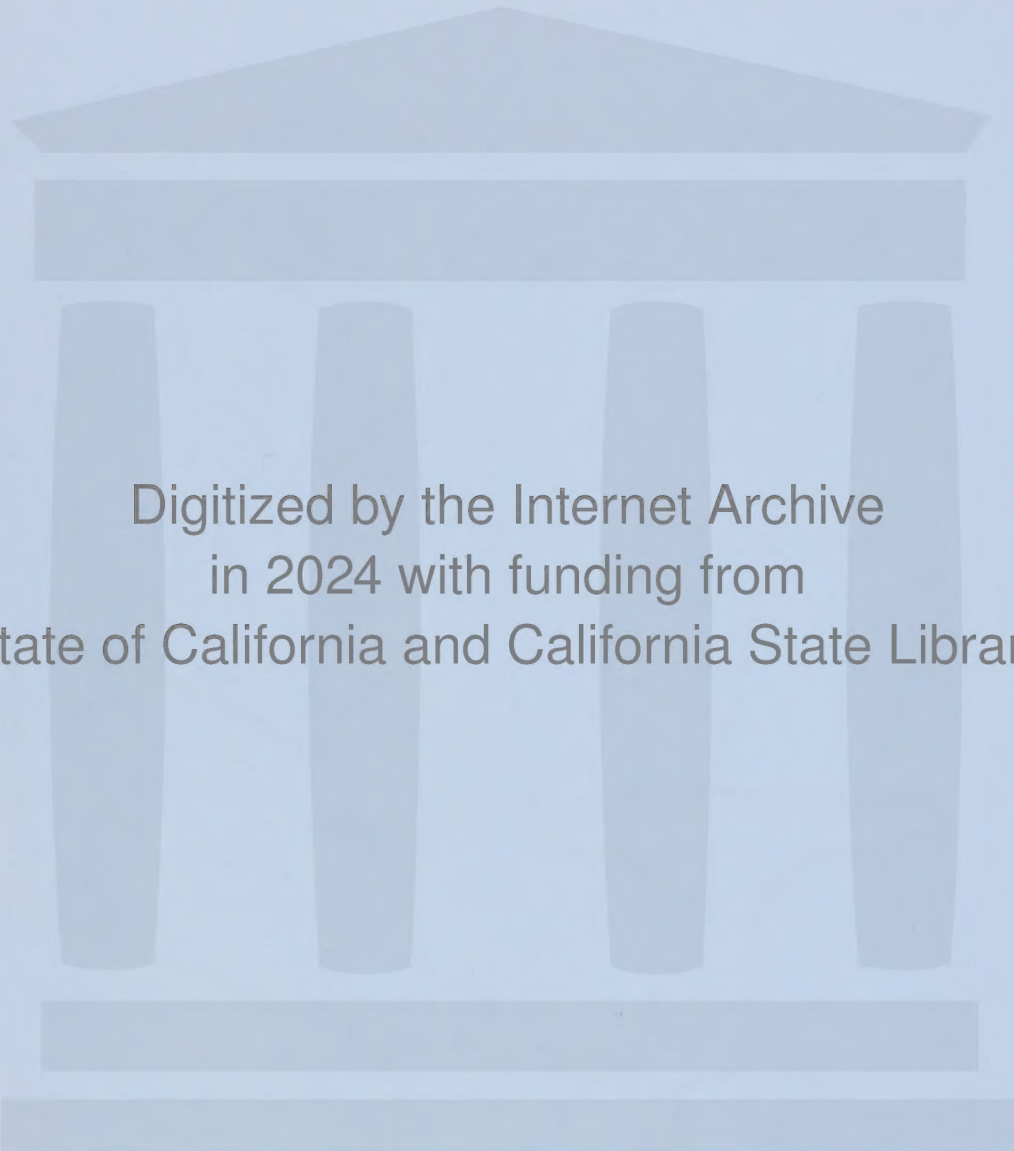


PHASE 1

WATERFRONT PLANNING PROCESS:

REPORT AND RECOMMENDATIONS



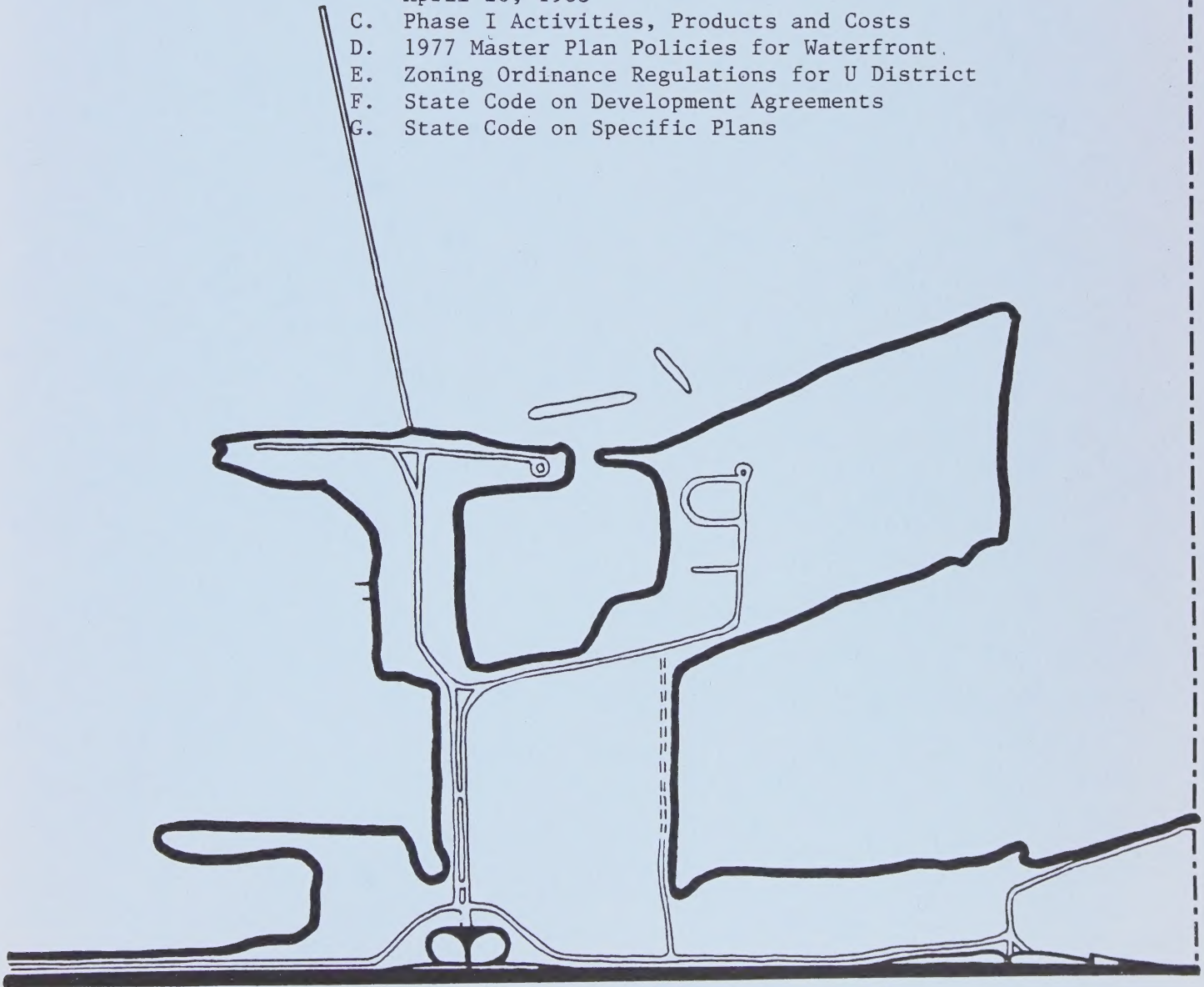


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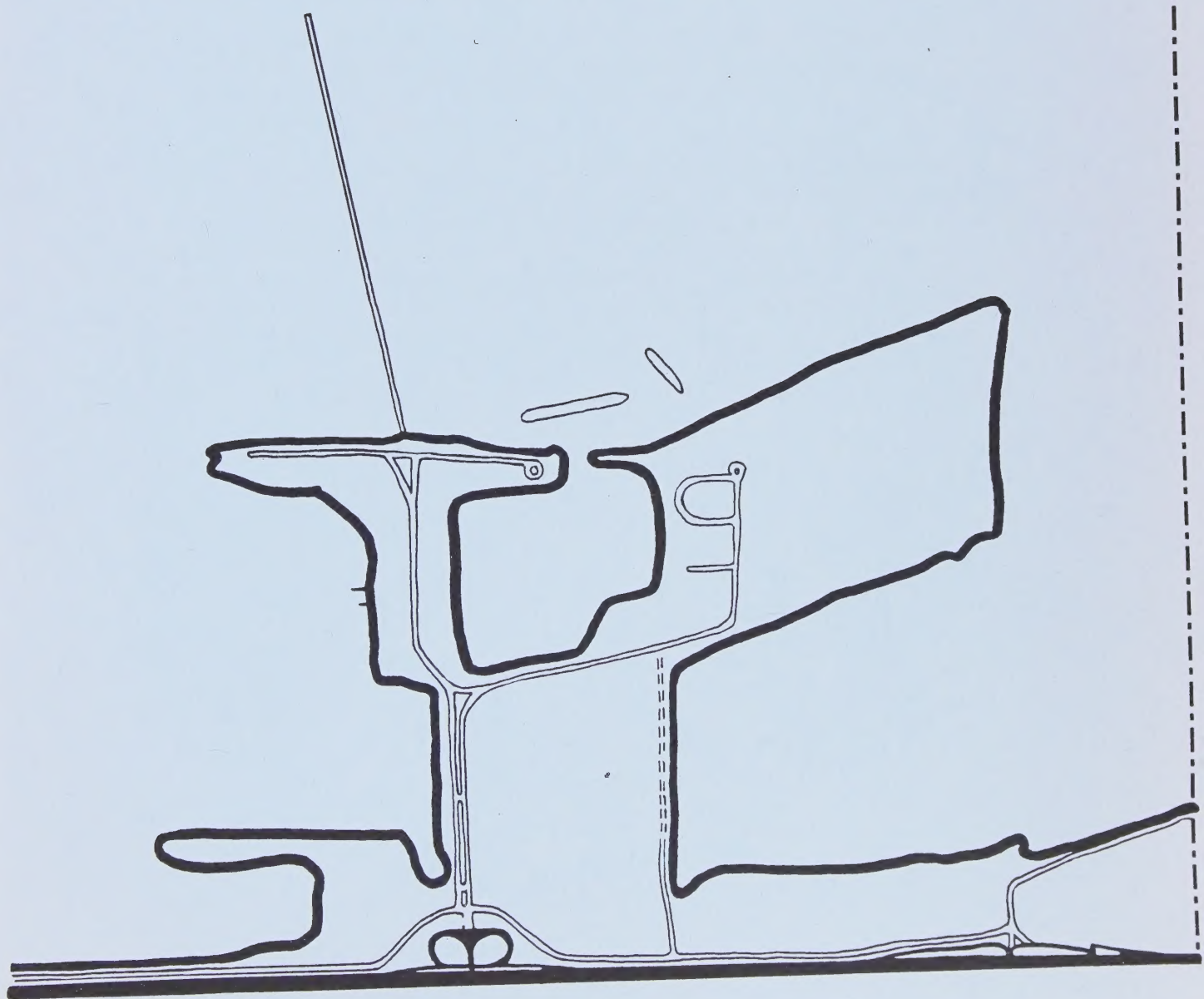
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1. INTRODUCTION



I. INTRODUCTION

On January 11, 1983 the City Council reviewed the City Manager's Recommendations on planning for the Waterfront. This report is reproduced as Attachment A. The City Council on that date referred the subject to the Planning Commission, Park and Recreation Commission, and Waterfront Advisory Board for their review and comments before reporting back to City Council. They also directed that a public workshop be held where the reports of the Boards and Commissions would be presented and staff would outline the status of planning for the Waterfront.

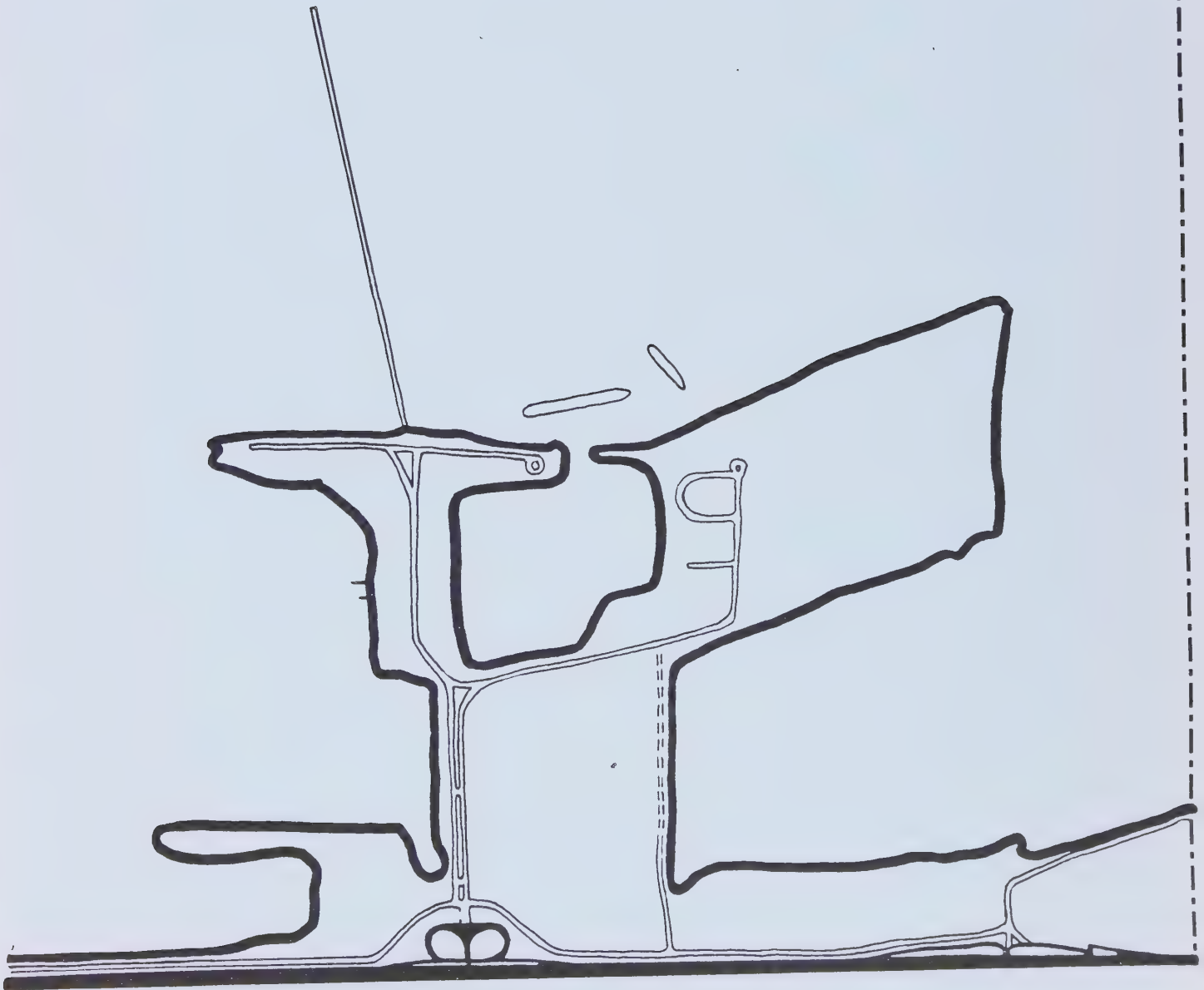
This workshop was held April 21 with the Planning Commission, Park and Recreation Commission, and Waterfront Advisory Board. The City Manager's Report for this workshop and April 26 action meeting is contained in Attachment B. The City Council at its meeting of April 26, 1983 initiated Phase I. They directed that a Phase I planning process be initiated, and that at the completion of a public workshop process the following be produced:

- o Goals and land use policies to guide Waterfront development planning;
- o Specific uses to consider in preparing alternative development scenarios;
- o Phase II: Method for formulating and evaluating a development plan; and
- o Timeline for Phase II.

Staff was also asked to identify the costs associated with the Phase I process. This report contains the draft products of the Phase I planning process. It is being transmitted to the Planning Commission, Park and Recreation Commission, Transportation Commission, and Waterfront Advisory Board for review and comment. Based upon these reviews, staff will provide a refined report to the City Council prior to their public hearing on the products of the Phase I planning process.

II. RECOMMENDATIONS

- A. Introduction
- B. Recommendation on Goals and Policies
- C. Recommendation on Phase II Planning Process



II. RECOMMENDATIONS

A. Introduction

The purpose of this report is to provide information, analysis and recommendations for the Planning Commission, Waterfront Advisory Board, Transportation Commission, and the Park and Recreation Commission to use in preparing their comments and recommendations to the City Council on Goals and Policies for the waterfront and on the Phase II Planning Process.

A. Recommendation on Goals and Policies

Berkeley has at the present time a unique opportunity to develop plans and set in motion the machinery to achieve optimum use of property west of the freeway.

The major property owner, the Santa Fe Land Improvement Company, is investigating potential development. They have participated in discussions with the City and other public agencies involved in East Bay Shoreline improvement. Concurrently, the State is carrying out planning studies of the East Bay Shoreline. The Coastal Conservancy has identified potential projects between the Bay Bridge and Richmond to restore and enhance wetlands, improve access and provide sites for parks and other development. The State Department of Parks and Recreation prepared a feasibility study on preservation of a substantial portion of undeveloped shoreline for public use and enjoyment. Six and a half million dollars have been set by the State for acquisition and development in this area.

If the City is to make the most of this opportunity, its goals and expectations must be clear. To accomplish this it is recommended that the Planning Commission, Waterfront Advisory Board, Park and Recreation Commission and Transportation Commission:

ENDORSE THE GOALS AND POLICIES CONTAINED IN SECTION IV OF THIS REPORT AND RECOMMEND THEY BE ADOPTED BY THE CITY COUNCIL AS GUIDELINES FOR WATERFRONT USE AND DEVELOPMENT.

C. Recommendation on Phase II Planning Process

A wide variety of planning activities and combinations thereof have been suggested for the Phase II Planning Process. In January, 1983, the City Manager described three alternatives: Application under Current Master Plan and Zoning Ordinance Procedures, A Negotiated Development Agreement, and the traditional land use planning method, Amendment of the Master Plan and the Zoning Ordinance. None of these, for reasons described in Section V of this report, is recommended at this time. Based upon suggestions from the community and experience elsewhere, staff has selected three alternate planning processes which are representative of processes which can meet the City's need for timely and comprehensive planning for its waterfront. They are:

- o Amendment of the Master Plan Followed by Development of a Specific Plan
- o Concurrent Amendment of the Master Plan and Preparation of a Specific Plan

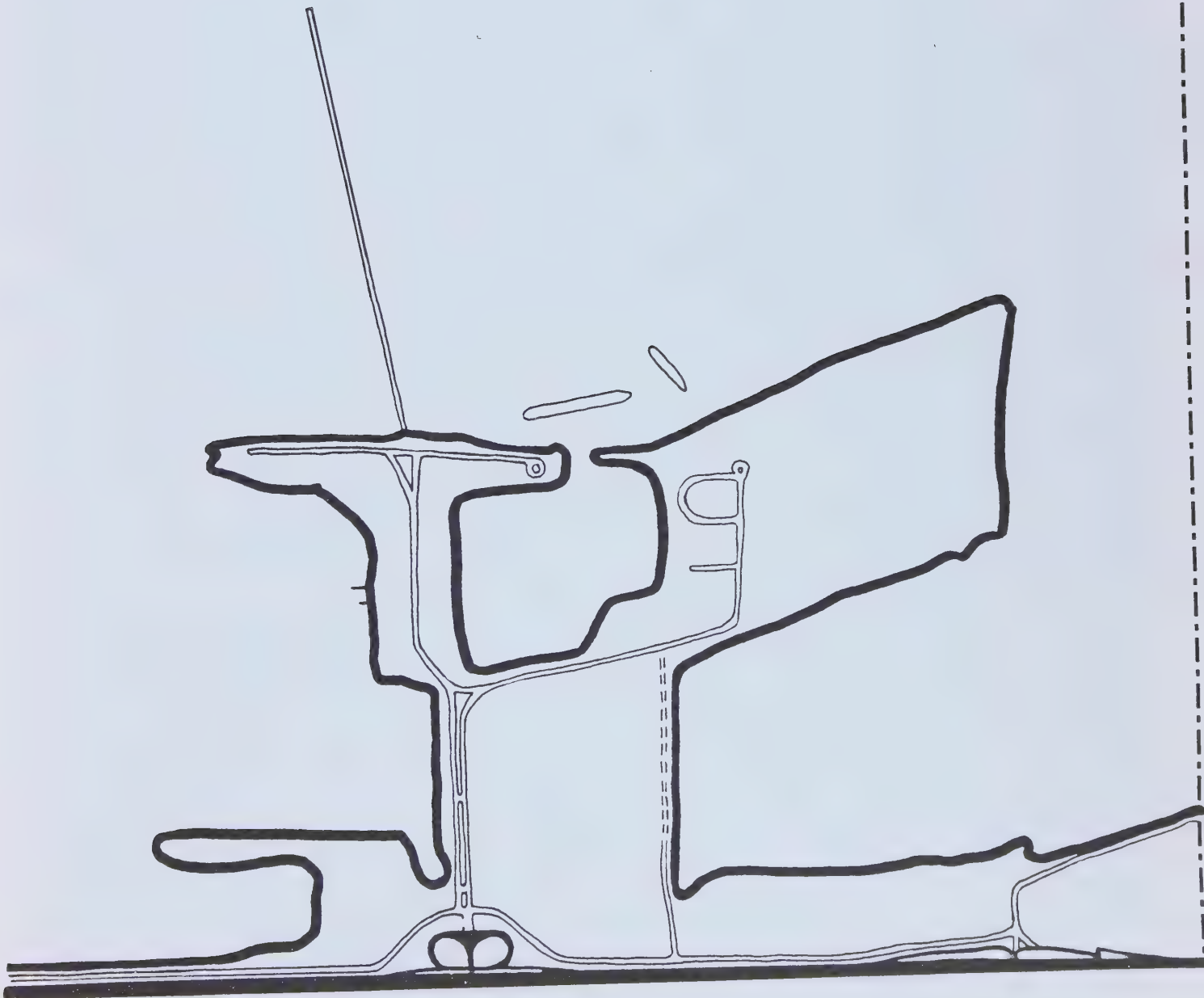
- o Integrated Process to Amend Master Plan, Prepare a Specific Plan and Negotiate a Development Agreement

All of these options are described and evaluated in Section V. To be successful, the adopted process for Phase II must have the confidence and support of the community. For this reason, it is recommended that the Planning Commission, Waterfront Advisory Board, Park and Recreation Commission and Transportation Commission:

REVIEW THE OPTIONS PRESENTED AND RECOMMEND TO THE CITY COUNCIL
THE PHASE II PLANNING PROCESS FOUND MOST CONSISTENT WITH BERKELEY'S
WATERFRONT PLANNING NEEDS.

III. BACKGROUND

- A. Site Description
- B. Historical Background
- C. Litigation
- D. Current Planning Activities



III. BACKGROUND

A. Site Description

The waterfront in Berkeley includes all land and open water west of the I-80 Freeway and Aquatic Park, 97 acres of water and parklands which extend from University Avenue to Ashby Avenue which was separated from the Bay by the freeway construction.

The total area¹ of the waterfront west of the freeway includes:

	<u>Open Water</u>	<u>Filled Land</u>	<u>Total</u>
Aquatic Park	67	30	97
City owned tidelands	4,199	172	4,371
Privately owned tidelands	512	182	694
Total	4,778	384	5,162

The area represents 44% of the total area of the City (11,568 acres) and 5% of the land area. The undeveloped land west of the freeway is owned by the Santa Fe Land Improvement Company (except for access rights of way). This privately held land is the Study Area shown on Figure 1 and is the subject of the current planning effort. Land and open water west of this property is owned by the City of Berkeley and has been developed with a marina, fishing pier, restaurants, motel, shoreline parks and view spots, small office buildings, parking, and boat storage and service facilities. Spinnaker Way, running east and west at the north edge of the marina separates the marina development from the North Waterfront Park which the City is developing over land fill.



The Study Area contains approximately 170 acres (excluding dedicated right of way) of filled land comprised of the following Sub Areas shown in Figure 1:

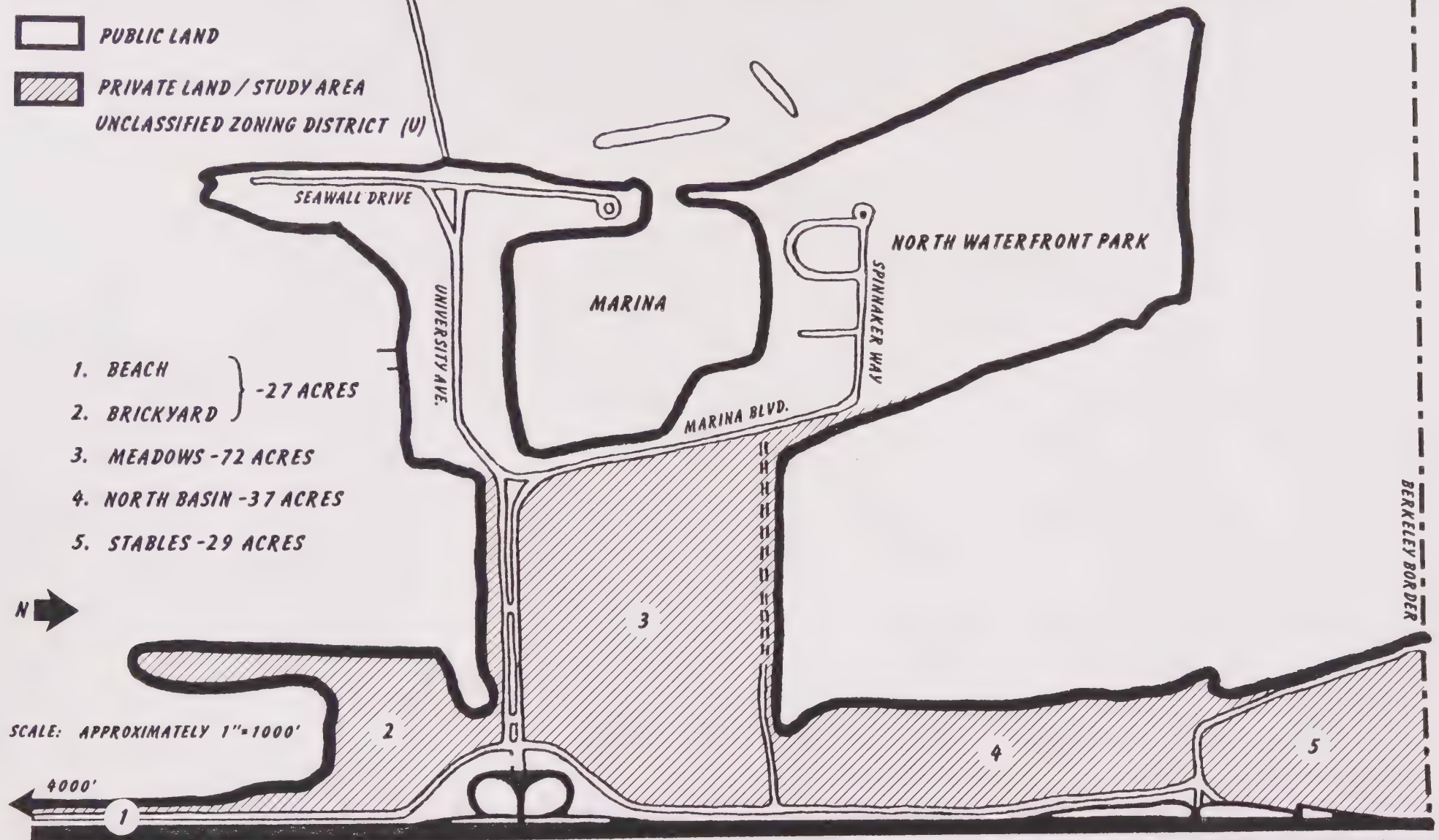
- ... The Beach is a mile-long narrow strip between the Bay and West Frontage Road running from the South City limits to the Brickyard; total area is 7 acres.
- ... The Brickyard once used for the sale of used brick, contains 27 acres of land fill immediately south of the University Avenue/I-80 interchange.
- ... The Meadow contains 72 acres in a rectangular land fill bounded by University Avenue on the south, Marina Boulevard on the west, the extension of Virginia Street on the north and the freeway on the east.

¹Berkeley Facts, 1971

BERKELEY WATERFRONT - 1983

LEGEND:

-  PUBLIC LAND
-  PRIVATE LAND / STUDY AREA
- UNCLASSIFIED ZONING DISTRICT (U)



- ... The North Basin contains 37 acres between the Bay, the Meadow, the freeway and Gilman Street. The area is now a paved parking lot leased to Golden Gate Fields, a race track just north of the city limits in Albany.
- ... The Stables area contains 29 acres bounded by the Bay, north city limits, the freeway and Gilman Street. The site is developed with stables serving the race track.

B. Historical Background

For over 100 years the waterfront has been a focus of activity, change and planning (see Attachment A: Appendix B for a more detailed history of waterfront planning). Initially the shoreline ran along the east shore of the present Aquatic Park lagoon, and along the East Frontage Road north of University Avenue. Figure 2 shows the site map of Berkeley in 1857.

During the 19th Century, Berkeley evolved from a rural ranch into a community combining two centers. Industry developed along the western edge in the community of Ocean View first, following development of the Southern Pacific Railroad line along the original waterfront. To the east Berkeley developed with relocation of the University campus to its present site. These two communities were merged in 1878.

The first use of the waterfront was for commerce. Ships carried goods between Berkeley, San Francisco and Sacramento and provided passenger service between cities and towns on the Bay. Figure 3 shows Berkeley in 1891.

Urban development of the East Bay accelerated following the 1906 earthquake. Between 1900 and 1910 Berkeley's population increased from 13,214 to 40,434, the greatest numerical increase in any decade in its history before or since.

Following this explosive growth, plans were prepared to use the waterfront to increase Berkeley's regional significance. Between 1910 and 1930 plans for a deep water port were prepared; these were expanded to include an international airport in the 1940's.

While these plans were never implemented, others were that give the waterfront its current distinctive features. These included:

- ... The establishment of the Berkeley Yacht Harbor and Yacht Club in the 1920's; the Marina development of the 1960's built upon expansion of this facility.
- ... The construction of a 2½-mile pier to provide auto and passenger ferry service to San Francisco in the late 1920's. While only used for this purpose for seven years until construction of the Bay Bridge, the first mile is now the enormously popular fishing pier.
- ... Public works projects of the 1930's included construction of the Eastshore Highway (now the I-30 Freeway) which separates Aquatic Park from the Bay.

I B J Marcher Co Recorder
of said Alameda County hereby certify
the above and foregoing to be a correct
transcript of the Original Filed on the
Instruments as the same formerly appeared
in Office Books, the 22nd day of June A.D. 1870
Witness my hand, the 22nd day of June A.D. 1870
B J Marcher
Co Recorder

Filed Jan'y 29th 1857 at 12 o'clock A.M.
Against of Joseph Black
X M. Viny
Recorder



Map OF THE RANCHO OF

Vincente & Domingo Peraltas

Containing 16970.68 Acres

Surveyed by Julius Kellersberger

Scale 20 chs. to the inch
or
1" = 1320' = 4 m.



Drawer No 1

FIGURE 2



BIRDSEYE VIEW OF **BERKELEY**, *Cal. 1891.*

... In the 1930's burning of garbage was banned in the City of Berkeley. Needing an alternative, Berkeley chose filling of the bay--first on the site of the Meadow and later on the site of the North Waterfront Park.

1950 to Present

The period from 1950 to the present was first characterized by visions for the waterfront that included a new town on a scale comparable to Foster City. At the same time Berkeley's population has leveled off at just above 100,000. Reaction to such potential exploitation of the Bay here and elsewhere led in the early 1960's to establishment of the State Bay Conservation and Development Commission to plan for and regulate use of the Bay and its shoreline. Concurrently, Berkeley turned to the development of its marina with expanded berthing and a complex of complementary public and private uses. The Master Plan in 1964 was amended to allow fill only in the area north of the Meadows as far north as Gilman Street extended. The 1977 Master Plan calls for no fill and use of the shoreline for recreation/institutional use.

C. Litigation

Bay submerged lands and tidelands became the property of state as trustee for public rights in waterways when California became a state. Much of the Bay was sold to private buyers (including Santa Fe) between 1861 and 1880.²

In 1951 the waterfront was rezoned from Industrial to Unclassified. This change reflected a policy shift away from industrial development. On the Meadow, three drive-in movie theaters for the site were proposed and rejected or withdrawn in 1962. Then in the early 1970's a regional shopping center was proposed for the Meadow property.³ Following rejection of the shopping center by the City, the owners of the site (Santa Fe Land Improvement Company and George Murphy) filed claims with the City for \$12 million each, asserting inverse condemnation. When these claims were denied, each party filed a complaint in court seeking \$12 million.

George Murphy also named the State of California as a defendant, raising issues concerning title to the submerged portions of the land. In 1976, the State, through the Attorney General, entered the lawsuit and argued that the land is subject to the "public trust", that is, the right of the public to use the property for navigation, fishing and water-based recreation. This aspect of the case was eventually heard by the State Supreme Court. On February 2, 1980 the Court issued a decision holding that the filled portion of the privately held lands is not subject to the public trust and that the property owner can use the lands, subject however to local land use restrictions.

²Chronology of San Francisco Bay and Shoreline by Henry Pancoast, 1983

³Department of Planning and Community Development

At the same time, the Court held that the wet portions of the land are subject to the public trust. This decision combined with the severe constraints on development imposed by BCDC means that for all practical purposes, the owner will not be able to carry out any substantial land fill in the Bay. They do retain rights, subject to City and BCDC restrictions to use the wet portions for uses consistent with the public trust, that is, navigation, fishing and water-based recreation.

The portion of the lawsuit which claims the City has taken property for a public use has never been resolved. In 1981 the Alameda County Superior Court granted the City's motion to dismiss for failure to bring to trial within five years.⁴ Santa Fe (which in 1981 acquired George Murphy's parcels on the Meadow) has appealed from that determination, making certain technical arguments of civil procedure. If Santa Fe prevails on the appeal, the case will be remanded to the trial court for trial on the merits of the action, that is, whether the City's land use decisions concerning the property constitute inverse condemnation.⁵

D. Current Planning Activities

Over the last two years a diverse and expanding array of planning activities have been undertaken.

- o The State Coastal Conservancy was created by the State Legislature in 1976 to restore, preserve and enhance coastal resources and develop creative solutions to difficult land use problems along the coast. In 1980, the Conservancy was authorized to operate in San Francisco Bay and funding for unspecified public acquisition and development efforts was provided by the Parklands Bond Act which included funding for State Parks projects in coastal areas. The Conservancy, with active participation from an Advisory Committee made up of persons from private groups and public agencies, identified potential projects for public acquisition as well as the use of sites along the Eastshore waterfront. Within the Conservancy's limited capital capacity, some projects, including a new boat dock for the south sailing basin in Berkeley, have been implemented. The Conservancy recently received a grant from the San Francisco Foundation to explore the impact of alternative types and scales of development on the waterfront, using a simulation laboratory for the area which was developed by the University of California, Berkeley, College of Environmental Design.
- o The State Department of Transportation has developed proposals for improvements to I-80 (the Eastshore Freeway) from the Bay Bridge north

⁴The law requires that cases be brought to trial within five years after they are filed.

⁵Memorandum from Natalie West, City Attorney, dated July 26, 1983

to the Carquinez Bridge. In Berkeley improvements are proposed for the three interchanges at Ashby, University and Gilman. Cal Trans has proposed a bicycle and pedestrian overpass at University Avenue as well as improved access between I-80 and the waterfront. Funding for work on this project is committed and construction is planned to begin in 1986. The City is working with Cal Trans to improve the design of the overpass and to obtain a continuous noise barrier from Ashby to University adjacent to Aquatic Park. The above construction will not begin until an agreement is signed between the City and Cal Trans on the exact design of the project.

- o The State Department of Parks and Recreation carried out a study in 1982 which recommended that a state recreation area be established along the East Bay shoreline with acquisition and development phased in as funds are available for principal sites. Sites in Berkeley identified for inclusion in such a park include the North Waterfront Park, Beach, Brickyard, Meadow, southern half of the North Basin and the shoreline north to the city limits.⁶ A total of \$6.5 million has been appropriated to fund acquisition or development projects identified in the feasibility study. Four million dollars was appropriated in 1982-83 from the 1980 Parklands Bond Act Program and \$2.5 million was appropriated for 1983-84 from the 1976 Urban and Coastal Bond Act Program. These funds can be carried over for up to three years from the year of initial appropriation.⁷
- o Private Groups: among these groups, the Berkeley Beach Committee has developed plans for restoration of the beach between Ashby and University Avenues. During Phase I, many other community groups have formally presented policy recommendations to the City for the use of the waterfront. These groups include the Sierra Club, Coalition for Responsible Economic Development, South Berkeley Task Force, Berkeley Bayfront Council, Citizens for an Appropriate Urban Shoreline Environment (CAUSE), Los Amigos de Cordonices, Berkeley Design Advocates, Friends of Aquatic Park, Cal Sailing Club, Golden Gate Women's Soccer League, Planning and Conservation League, National Coalition to Preserve Scenic Beauty and Save San Francisco Bay Association.
- o City of Berkeley: In January 1983 the Berkeley City Council received the City Manager's recommendation that the City adopt a set of Planning Criteria for Waterfront Development and approve a collaborative planning process involving Sante Fe, City staff, residents, Boards and Commissions and the City Council. The Council referred the report to the Planning Commission, Recreation and Parks Commission and Waterfront Advisory Board for their comments. On April 21, 1983, the City Council

⁶East Bay Shoreline Feasibility Study, Department of Parks and Recreation, 1982

⁷Lon Spharlar, Manager, Park System Planning, State Department of Parks and Recreation

held a public workshop with these appointed bodies to discuss their comments and recommendations. Based upon the workshop, the Phase I planning process was adopted. Specifically, the City Council directed a series of meetings be held in various parts of the City during the Phase I process. These were:

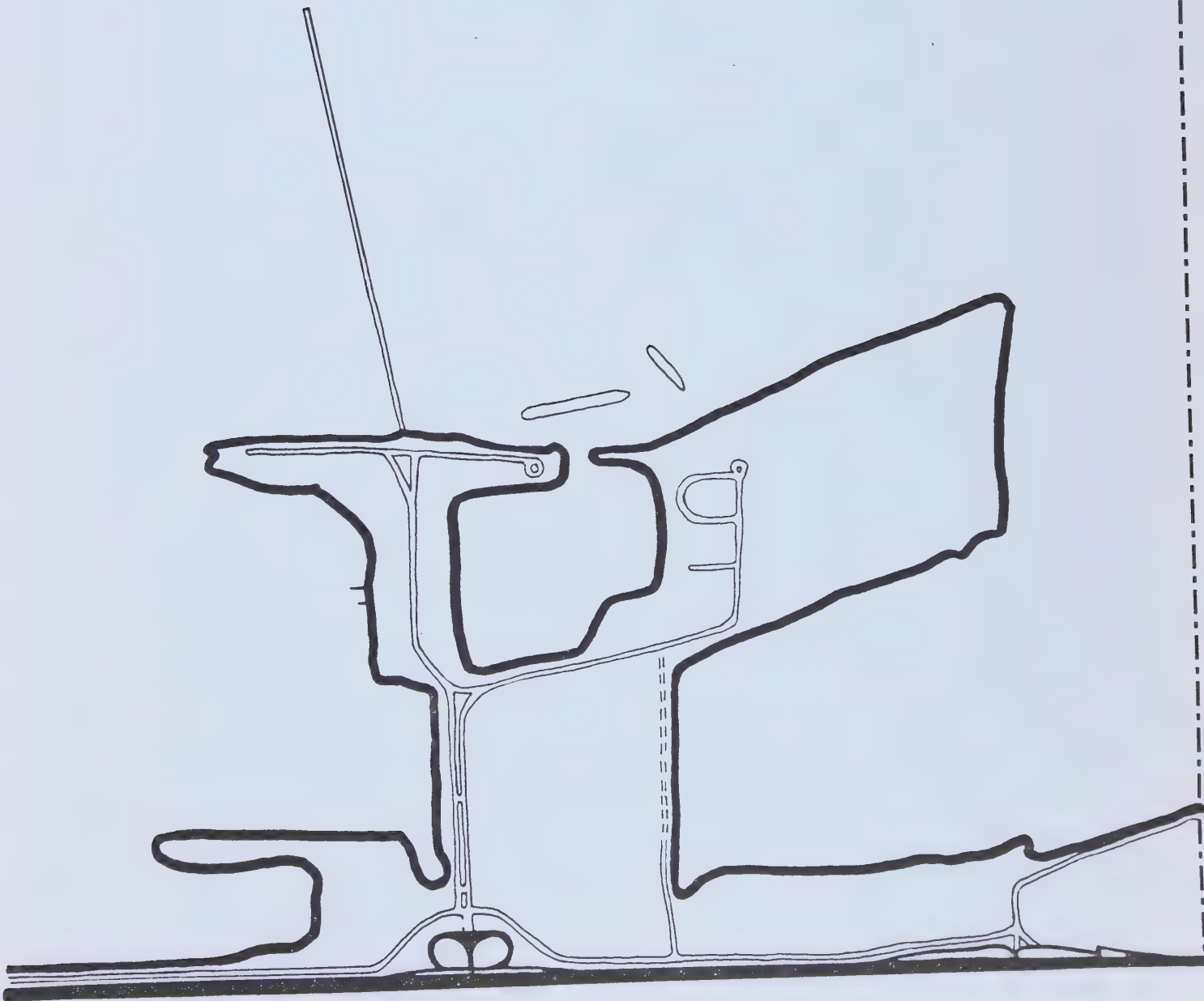
- o Two community workshops on issues and goals for the waterfront and a Council/Board/Commission workshop to report and comment on findings of these community workshops.
- o Two community workshops on land use policies for the waterfront and a second Council/Board/Commission workshop to report and comment on findings of these workshops.
- o An informational meeting to hear a report from Santa Fe consultants on their environmental and economic studies to date. A second informational meeting to obtain an update on public agency policies and activities and to hear from community groups involved with or concerned with waterfront planning activities was added in July.⁸

In its April action, the City Council further requested that alternative approaches to Phase II planning for the waterfront be explored, and that a recommendation with a time estimate be forthcoming at the completion of Phase I. Finally, the City Council requested that costs for Phase I planning be delineated. The Phase I activities and costs are described in attachment C.

⁸The City Council agreed that an additional community workshop would be scheduled after the second informational session. This has not yet been scheduled.

IV. ISSUES, GOALS & POLICIES

- A. The Context of the Issue
- B. The Issues
- C. Goals and Land Use Policies



IV. ISSUES, GOALS AND LAND USE POLICIES

A. Context of the Issues

Before identifying specific issues and goals for the site, it may be helpful to set the context for the discussion by describing first the potential of the site, and then discussing the possibilities for tradeoffs among competing uses. The following Sections treat each of these areas in turn.

The Site and Its Potential

Issues affecting Berkeley's Waterfront Area grow out of the attractiveness of the site and its ability to host many competing uses. Locational choices between preservation, recreational, institutional, commercial, industrial and residential land use patterns are difficult because the Waterfront offers a unique combination of attractions for each.

The potentials of the site are physical, historical and of great community interest because Berkeley is a built-up city. They include the site's

- o Bay frontage
- o Status as the last large amount of vacant land
- o Tabla blanca represented by its unzoned status
- o Physical separation from existing residential neighborhoods
- o Opportunity for various kinds of capital
- o Possibilities to target social goals
- o Freeway access

Bay Frontage

All the competing land uses are drawn to the Waterfront's most important single attribute--its location adjacent to the Bay. The potential for water-related recreational uses ranges from restoration of appropriate areas to pristine wilderness to those recreational uses that would provide local and/or regional recreational facilities on the site because the Bay front location provides a pleasant setting. In recent meetings, the public has discussed such facilities that indirectly utilize the Bay frontage such as an aquarium, a theme park, a maritime research center, among others.

Commercial and industrial land uses could similarly make use of the waterfront's locational amenities rather than any direct, functional link with waterfront activities. However, the attraction of amenities is far from trivial. The waterfront location is so significant that it can virtually assure the success of any enterprise. If it were to be sold, its price would reflect the adopted land densities and uses.

Large Amount of Vacant Land

All development, from parks to office buildings, from factories to housing projects has a threshold size, below which it becomes infeasible. For restoration of wilderness, the threshold is based on natural constraints. A wildlife habitat, for example, must be large enough to provide adequate food supply, nesting and other spatial needs of the species that the preserve is intended to host.

In the economic environment, there are also development thresholds. Because there are economies of scale in the construction and operation of both public and private facilities, whether an aquarium or a fish market, these diverse developments are strongly attracted by the availability of vacant acreage.

Unzoned Status of the Site

The unzoned status of the site presents great potential since no use has been precluded by earlier decisions. This attraction is greatest for activities which are unpopular elsewhere in the City or where areas zoned for particular uses are in short supply.

Physical Separation from Existing Neighborhoods

The relative isolation of the Waterfront exerts a positive pull on land uses that have faced opposition because they increase densities, generate traffic, encourage displacement and otherwise disrupt neighborhood patterns. Commercial and housing developments are especially desirable at a site where neighborhood impact is minimal.

Availability of Outside Capital

The great attractiveness of the waterfront area provides access to at least two sources of outside capital: the State of California and Santa Fe. State officials have responded to the site's unique potential as articulated by the Coastal Conservancy and other organizations by indicating an interest in providing funds to acquire Waterfront land based upon locational advantages. Santa Fe has expressed a willingness to provide capital for an urban infrastructure and development.

Social Goals

Since the City controls Waterfront land use, there is opportunity to leverage City social goals that are otherwise difficult to achieve. Public discussion has focused most sharply on opportunities for the City to generate job creation and targetting of those jobs to populations that have the greatest employment needs. The site offers the City opportunities to aggressively pursue housing and open space goals as well.

Freeway Access

In considering land uses which serve regional needs, the proximity of I-80 on- and off-ramps is an attraction. While major new development may face opposition from other sectors of the City because of through-traffic and parking impacts, the Waterfront lies in geographic isolation from the City. Interestingly, the physical and psychological barrier created by the freeway has been seen as an impediment which should be mitigated through improved linkages between West Berkeley and the Waterfront.

Resolving Conflict

The great opportunities that the Waterfront provide are directly related to the intensity of the competition between alternative uses. This is, of course, the reason why the community has had to devise decision-making processes that involve all the players and provide for thorough review and analysis of competing claims. The complexity and interrelatedness of the site's various potentials suggests that the community will have to sort through many issues before it can find consensus. Fortunately, the complexity of the issues also suggests many vehicles to mediate the competition.

The complexity of the Waterfront itself suggests accommodating possibilities. While the Waterfront is frequently referred to as a single site, it is in fact, a combination of separate sites. The Waterfront is comprised of tide-lands, marshes, a boat basin, beach, restaurants, hotel, marina, parking lots, horse stables, manicured and natural grasslands, maintenance facilities, a recycle center, roadways and trails. Approximately half of the land area is in public ownership. While public Waterfront land will be part of the Waterfront planning process, privately owned land will receive the greatest attention. In sorting out site-specific needs of competing land uses, the community and the City Council will need to distinguish between these areas very specifically to assure a close fit between sites that offer unique opportunities (such as the wildlife potential of a tidal zone). Specific areas within the Waterfront should be analyzed in detail to enable the community to make such critical distinctions.

A similar approach will be needed to sort out financial options associated with the Waterfront. Choices between competing uses require not only clarification of the community's broad array of values, but also an understanding of feasibility. Because the study area is to a great extent in private ownership, uses that are not financially self-supporting (such as a preservation zone) must find sources of outside support (for acquisition, development and/or operation), must be supported by some other use within the Waterfront, or must be dedicated to the public by a developer/property owner in accordance with a specific plan.

Recognizing that the Waterfront is part of a larger city can be important in resolving the competition between land uses. To the extent that some needs

may be accommodated elsewhere in Berkeley, it will be possible to satisfy a broad range of needs. Again, the opportunity will depend on specific information and a needs assessment that will be provided in the Phase II planning process. Once the City Council has determined goals, staff can focus on developing this critical information.

Clearly, close and detailed factual analysis will provide assistance to the community as it grapples with the complex issues that crystallize around Waterfront land use decisions. Public discussion has already demonstrated that, within the community, there is deep appreciation for the wide range of issues. The section that follows briefly reviews issues, as identified by the community and staff. Following that, the report proposes goals and policies distilled from the wide public discussion that can guide the difficult land use choices that lie ahead.

B. Issues

Background

In order to develop a statement of the planning issues surrounding the Waterfront, as well as to prepare a set of goals and land use policies for the Waterfront, a series of workshops were held to solicit community input. This information was analyzed by City staff in the context of the 1977 Master Plan land use policies for the Waterfront. It was also analyzed in the context of the current economic and demographic situation existing in the City. The following describes the workshop procedure in greater detail. The section following this one then attempts to define the issues against which the goals should be measured.

Two sets of workshops were held in June and July of 1983. The workshops held on June 1 and June 4 focused on drafting issues and goals as perceived by members of the community. Some 104 issues and 174 goals were identified by the 100 participants at the two sessions. (These preliminary issues and goals are contained in Attachment C. Because the issues were drafted by several groups at each workshop and on two different occasions, the unabridged issues list contains overlap and duplication.) The issues brought to the attention of the City by community members may be grouped into four broad categories:

- o ECONOMIC
- o SOCIAL AND CULTURAL
- o PHYSICAL ENVIRONMENT
- o ADMINISTRATIVE

The Waterfront Planning Workshops held in July 1983 were devoted to formulating draft land use policies. Community participants again divided into small groups for the purpose of identifying alternative activities for the

undeveloped study area. Large maps, marking pens and visual aids such as properly scaled representatives of local buildings, City blocks and the Cal stadium were used to elicit responses. In addition, comprehensive lists of various land uses, ranging from a bird sanctuary to a large hotel, were distributed to the participants with a request that their evaluation of these land uses be indicated. After each small group developed its schematics or series of schematics, presentations were made to the workshop participants as a whole for discussion and reaction. It was evident from the group presentations that a wide range of individual opinions were held regarding the optimum use of the land. This range included many land use options in differing locations at varying degrees of intensity. The following section discusses the issues in greater detail.

Discussion of Issues

Economic Issues

During the past half-decade monetary resources to provide public services have declined substantially. Local funding from the State and Federal level as well as diminished revenues resulting from Proposition 13 have required that cities become more self-reliant. While the generation of municipal revenues should be considered only as part of a series of other issues, it should be addressed to complement a comprehensive planning process. Revenues must be considered not only with regard to providing community services but also with a recognition that public amenities resulting from a plan will require on-going maintenance. Practical considerations of maximizing community benefit, (public lands and facilities), must be balanced with an ability to pay for and maintain public amenities. Public lands and facilities may be realized through public acquisition and/or private dedication and improvement, which is typically in return for the ability to undertake private development.

The community desire to generate jobs for local residents represents a fundamental element in the planning process. Questions such as the nature and extent of employment derived from any development must be addressed in the Phase II process.

Social and Cultural Issues

The welfare of community members when planning the Waterfront was a recurring theme in the workshops. The ultimate disposition of the Waterfront should insure opportunities which address the well-being of all citizens.

Waterfront planning should achieve a product which is intrinsically a reflection of Berkeley. This concern does not necessarily mean that an exact microcosm of the greater whole should be accomplished on the Waterfront. However, pursuing land uses and activities which are self-contained and not representative of the diverse and unique fabric of Berkeley would be inappropriate.

The population to be served when the final use of the Waterfront is determined has generated major discussion. Should Waterfront uses focus on local, regional, or out of the area groups? It may be desirable to accommodate all groups or enhance the needs of one particular group. Also, attention must be paid to the demographic mix of users, particularly the local constituents. A good planning process is one which ensures that the City of Berkeley may make a conscious decision in determining the people who will benefit from a Waterfront plan.

The population to be served interacted closely with the types of land users discussed during the community workshops.

Public discussion included proposed commercial uses such as hotels, a convention center, offices, shops, and a variety of eating places ranging from restaurants to small outdoor cafes. The potential for housing is directly related to the site's Bay frontage, which offers highly desirable setting. The size of the study area presents opportunities for housing development that exists nowhere else in the city (i.e., mixed income housing, where high income housing may provide an internal subsidy for moderate and low income units).

"Residential uses" were ranked as a relatively low priority by workshop participants. The dearth of strong support for housing (either low end or upper end), may be due to public perceptions of conventional housing construction; segregated projects of "residential only" use. The Watergate complex in Emeryville and the Gateway complex in Albany both illustrate examples of private enclaves which shun access to the public. Residents may believe that the Waterfront is too precious an amenity to permit an exclusionary, gated facility for a few.

A land use pattern which promoted mixed use development might be more desirable to the community at large. Streets, walkways and plazas open to the public with ground floor commercial (shops, cafes, bakeries, small offices, and service establishments), and residential lofts and flats above may create a sense of human interaction and neighborhood scale typically absent from conventional residential construction.

Physical and Environmental Issues

Waterfront planning must be integrated and coordinated with adjacent Waterfront lands in the neighboring Bay cities of Oakland, Emeryville, Albany and Richmond. Regional context also refers to recognition of the study area's significance within the metropolitan region as well as the acknowledgement of regional agencies such as East Bay Regional Park District, Bay Conservation and Development Commission, and the State Coastal Conservancy.

The access and traffic issues relate not only with regard to getting to and from the Waterfront but within the study area itself. Considerations which should be addressed include:

- o The I-80 barrier
- o Vehicle impacts
- o Public transit
- o Disabled
- o Pedestrian
- o Bicycle

The extent and precise nature of active and passive parkland and recreational facilities is a paramount consideration when looking at Berkeley's window on the world.

It is clear that preservation areas and parkland activities (picnicking, ball fields, jogging trails, etc.) are a high Waterfront priority with most citizens. Beyond simple open space, resident desires for recreational activities involving structures became less focused. For example, aquariums, theaters, health clubs, boat houses, museums and rollerskating rinks all constitute recreational activities ranging in degree between active and passive. Yet the requirement for building construction to accommodate these recreational facilities has prohibited clear consensus on the issue.

Discussions have ensued regarding protection for wildlife, plant life and ecological resources such as marsh lands. The major issue here is not a lack of consensus in support of environmental protection but rather the extent of environmental protection to be pursued on the Waterfront.

It is important, when planning for the Berkeley Waterfront, that the spatial relationship of land uses proposed for the study area are placed with care; not only with regard to each other but also with sensitivity to the water to the west and the established neighborhoods to the east.

It is important that a design review process be employed as part of the Waterfront planning effort. Considerations thus far raised include:

- o Landscaping
- o Preserving view corridors
- o Relating structure to open space
- o ensuring a comprehensive design effort

Administrative Issues

It is imperative to the citizens of Berkeley that any planning process chosen to determine the ultimate use of Waterfront land shall involve a community participatory process open to all interested organizations and ensuring participation by minorities including as wide a cross-section of residents as possible. This may involve efforts by the City to pursue a policy of outreach to provide the greatest variety of input possible.

An adopted plan for the Berkeley Waterfront should guarantee an implementation plan which is clear and concise when addressing:

- o A reasonable timeline for implementing the plan
- o Relegation of review and approval responsibilities
- o An approved site plan
- o Delegation of financial responsibilities.

This portion of the plan is critical in order to ensure the best interest of the private and public sectors.

C. Goals and Land Use Policies

As indicated earlier the workshops provided an opportunity for community input regarding draft goals and policies. This portion of the report attempts to integrate the issues which were identified by the public. The intent here is twofold:

- o To generate discussion by community residents, organizations interested in Waterfront planning, City boards and commissions and the City Council as well
- o To provide an organized framework within which to interrelate community issues with broad goals and more specific policies.

These are presented in draft form and should only be used as guidance for future decision making. This synthesis is an attempt to best represent what was voiced at public meetings during the Summer of 1983.

Economic Goals and Land Use Policies

1. Goal: TO PROVIDE EMPLOYMENT OPPORTUNITIES WITHIN THE WATERFRONT AREA WHICH CORRELATE TO BERKELEY'S HUMAN RESOURCES

Land Use Policies

- 1.1 To insure that any proposed project provide job opportunities both during construction, and during implementation for the unemployed and underemployed residents of Berkeley, and that these jobs provide for upward mobility to the greatest extent feasible.
- 1.2 That any proposed project include projections of employment both during construction and implementation by job skill and job category as well as a plan for targetting the jobs to Berkeley residents.
- 1.3 Establish an Affirmative Action Program to include participation of minority firms in the planning, design and construction of any development, and in the operation of Waterfront development enterprises.
- 1.4 Insure opportunities for small and cooperative local-based business enterprise.
- 1.5 Insure that local organizations and business enterprises are given high priority when considering plan implementation.
- 2.0 Goal: TO INSURE THAT THE PROPOSED PROJECT SHALL REQUIRE NO NET EXPENDITURE OF PUBLIC FUNDS FOR ITS DEVELOPMENT OR IMPLEMENTATION AND THAT IT CONTRIBUTE TO THE NET INCOME STREAM TO THE CITY TO THE GREATEST EXTENT FEASIBLE

Land Use Policies

- 2.1 Insure that land uses that absorb City resources are balanced by those that generate a net income stream to the City.
- 2.2 To give priority to those land uses which maximize City revenues within the parameters of balanced and environmentally sensitive development.
- 2.3 Require that cost-benefit and cost-revenue analyses be conducted for proposed Waterfront land uses.

Social and Cultural Goals and Land Use Policies

- 3.0 Goal: TO INSURE THAT THE CHARACTER OF THE WATERFRONT EXPRESSES THE DIVERSITY OF LIFESTYLES, AND THE UNIQUE SPECIALTIES TO BE FOUND IN BERKELEY

Land Use Policies

- 3.1 Insure that the planning process for the ultimate land use decisions on the Waterfront is open.
- 3.2 Encourage innovative approaches to land use activity by placing emphasis on proposals which capture the vitality and essence of Berkeley.

- 4.0 Goal: TO PROVIDE WATERFRONT ACTIVITIES WHICH REFLECT THE INTERESTS OF BERKELEY'S DIVERSE POPULATION AND ARE AVAILABLE TO ALL ECONOMIC AND ETHNIC GROUPS REGARDLESS OF AGE, SEX, RACE AND PHYSICAL DISABILITIES.

Land Use Policies

- 4.1 Include marine recreation and educational opportunities for all segments of the population.
- 4.2 Expand City recreational programs utilizing the Waterfront.
- 4.3 Provide cultural uses, such as a nature center, museum, aquarium and the like, as part of Waterfront improvements.
- 4.4 Provide a wide variety of services catering to all demographic groups
- 5.0 Goal: TO CREATE A VARIETY OF RECREATIONAL RESOURCES FOR A WIDE RANGE OF USERS.

Land Use Policies

- 5.1 Enhance direct access to the Bay for fishing opportunities.
- 5.2 Create a network of pedestrian paths and linkages.
- 5.3 Insure that both active and passive recreational opportunities capitalize upon the marine resource.

Physical Environment and Goals

- 6.0 Goal: TO PRESERVE AND ENHANCE THE ENVIRONMENTAL QUALITY OF THE WATERFRONT

Land Use Policies

- 6.1 Preserve and restore environmentally sensitive areas on the Waterfront, including restoration of the beach and creeks.
- 6.2 Identify areas which require special management or regulation because of hazards such as unstable soil or flooding
- 6.3 Prevent use of the Waterfront that will adversely affect air or water quality.
- 6.4 Prevent additional fill of the Bay except to enhance the natural environment of the Waterfront.

hazard
6.5
Direct
structures shall
Buildings shall be sited so that they are harmonious
with and complementary to open space and
recreational use of the waterfront.
22

- 7.0 Goal: TO ESTABLISH SAFE AND CONVENIENT ACCESS AND CIRCULATION TO
~~AND~~ WITHIN THE WATERFRONT.

Land Use Policies

- 7.1 Minimize dependence on the automobile and allocation of land devoted to parking by providing incentives for alternative modes of transportation, including bicycle parking, bicycle racks on buses, etc.
- 7.2 Provide additional linkages to the activities immediately west of the freeway.
- 7.3 Provide convenient and low-cost public transit to and around the Waterfront.
- 7.4 Provide a safe and separate system of pedestrian and bicycle trails on the Waterfront that link Berkeley and all areas of the Waterfront to neighboring cities.
- 7.5 Encourage alternative modes of transportation for employees through providing transit passes, shuttle service and car/van pool incentives.
- 7.6 Encourage joint use of parking facilities.
- 7.7 Locate main parking areas away from the shoreline.
- 7.8 Work with appropriate agencies to expand recreational ferry service between the Waterfront and other recreational sites on the Bay.
- 7.9 Minimize the amount of land devoted to roadways.
- 8.0 Goal: TO DESIGN FACILITIES WHICH MAXIMIZE THE POTENTIAL OF THE SITE AND ITS RELATIONSHIP WITH THE REST OF THE CITY.

Land Use Policies

- 8.1 Insure that structures are not designed in a sterile manner void of the location, history and culture unique to Berkeley.
- 8.2 Use natural screening buffers to lessen visual impact of parking facilities.
- 8.3 Promote water and energy conservation in the design of structures and landscaping.
- 8.4 ~~Develop~~ structures which are ^{appropriately} scaled to pedestrians. ~~and~~ ^{environmentally} ~~void of~~
- 8.5 View corridors and vistas from the Waterfront both towards the Bay and Berkeley Hills.
- 8.6 ^{Set} ~~Set back~~ all ^{sidings} ~~structures~~ ^{buildings} from the water's edge.

Administrative Goals and Land Use Policies

- 9.0 Goal: TO GUARANTEE ON-GOING LOCAL CONTROL REGARDING LAND-USE DECISIONS.

Land Use Policies

- 9.1 Insure that Waterfront planning process includes representation from all segments of the community.
- 9.2 Insure that land use decisions are made in a comprehensive manner incorporating economic, environmental and social considerations.

- 10.0 Goal: TO CREATE A WATERFRONT WHICH REFLECTS RESIDENT NEEDS AND VALUES.

Land Use Policies

- 10.1 Insure that the Waterfront planning process achieves a product which ~~may~~ ^{can} be implemented.
- 10.2 Require the private property owner and developers to provide the on-site and reasonable off-site public improvements. ^{other} ^{for} ~~that solve such~~ ^{developments.}

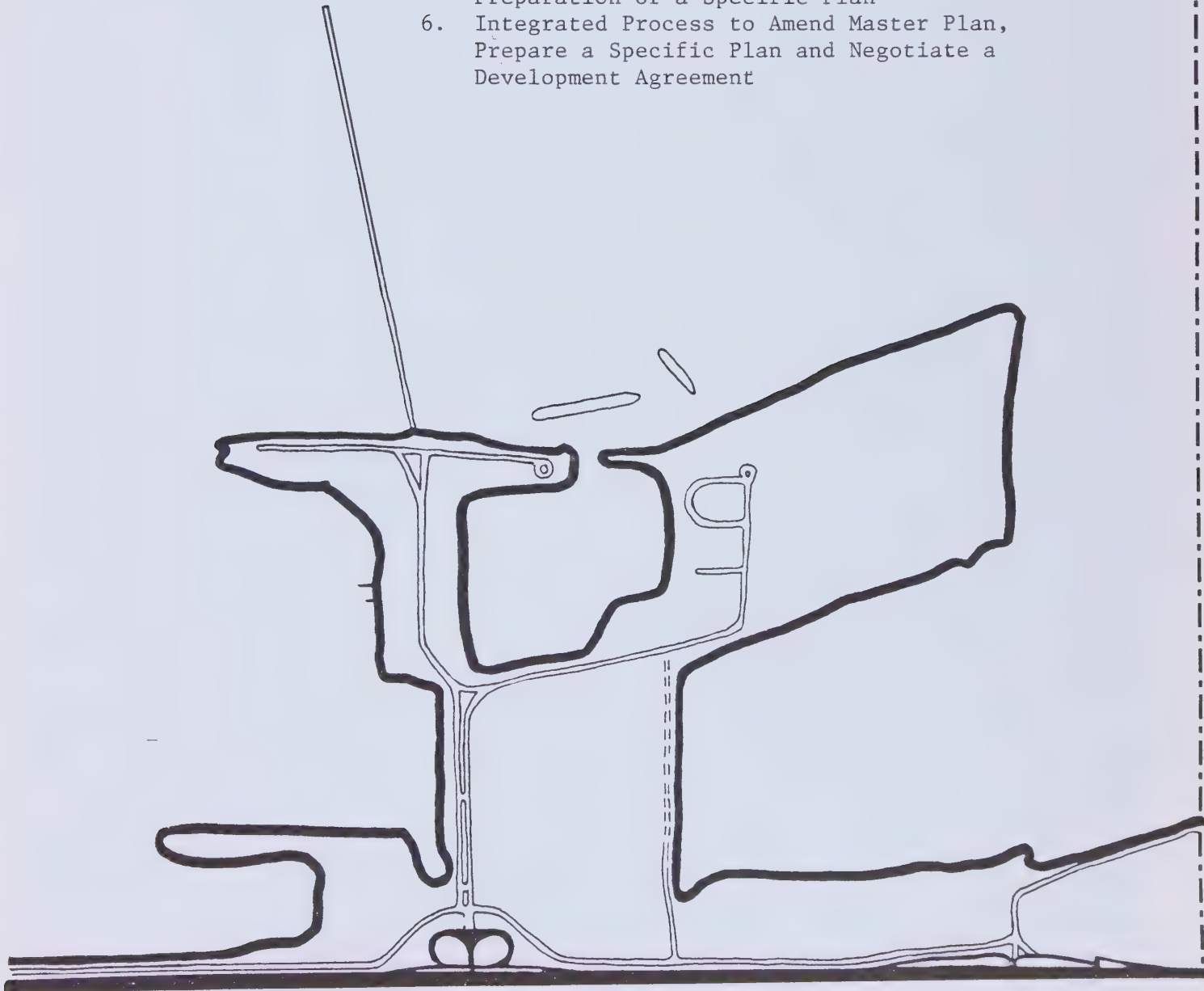
V. PHASE 2 OPTIONS

A. Introduction

B. Objectives of Phase II

C. Options

1. Application under Current Master Plan and Zoning Ordinance Procedures
2. Collaborative Planning Process Leading to a Development Agreement
3. Amendment of the Master Plan and the Zoning Ordinance
4. Amendment of the Master Plan Followed by Development of a Specific Plan
5. Concurrent Amendment of the Master Plan and Preparation of a Specific Plan
6. Integrated Process to Amend Master Plan, Prepare a Specific Plan and Negotiate a Development Agreement



V. Planning Process Options

A. INTRODUCTION

Overview

Berkeley's current Master Plan policies for the Waterfront include, in the Land Use section, designation of the shoreline and city owned land around the marina for recreation/institutional and the interior west of the freeway as an Area for Further Study. That further study is now under way. Phase I explored information on the site, proposals for its use and extensive community discussion of issues, goals and policies to guide project planning. Evaluation of options for the second phase of planning assumes City Council adoption of goals and land use policies that set parameters for use of the waterfront. With approval of a procedure for conducting further planning, Phase II can begin.

The purpose of this section is to describe, evaluate and compare alternative processes and procedures. Each option is described in terms of its distinctive characteristics. Phase II includes all those activities required to progress from adoption of goals and policies to application for building permits. Criteria for the evaluation of each option consider the option's (1) potential to meet the objectives to set forth below, (2) relative cost and time requirements, (3) maintenance of local control and (4) opportunities for timely involvement of all interested parties (Santa Fe, City Government, other public agencies, community organizations, and residents) in plan development, review and implementation.

Objectives of Phase II

It is anticipated that, at the completion of Phase II, state agencies, the community and the Santa Fe Land Development Company will know what the City expects to occur in the Study Area. To reach this point the City must:

1. Amend its Master Plan to include goals and policies for the Study Area;
2. Adopt land use plans, standards, regulatory mechanisms, financing strategies and review procedures to manage implementation of its goals and plans;
3. Complete an environmental evaluation of its plan.

A variety of planning tools exist through which the City can establish and maintain local control, achieve protection of important environmental resources, facilitate innovative design and use arrangements and guarantee the availability of public improvements and services to support private development. This section will examine the characteristics of these tools and how they can be developed, concurrently or in sequence, to achieve the objectives identified.

Several options for continuing further planning during Phase II have been outlined. It should be emphasized that a variety of activities, and combinations thereof, can be undertaken during Phase II. The report combines

different permitted procedures into six options for the sake of discussion. It is anticipated that the review process for this report will generate feedback that will permit Council to select one of the options described herein or a variation thereof.

The first three options were originally presented in the City Manager's January 11, 1983 report (Attachment A). They are included for the sake of completeness and to provide background to the second set of three. The first three options include:

- o Submission by Santa Fe of Project Application under Current Master Plan and Zoning Ordinance Procedures (Status Quo)
- o Collaborative Planning Process Leading to a Development Agreement (Original City Manager Proposal)
- o Amendment of the Master Plan followed by Amendment of the Zoning Ordinance (Traditional Planning Method)

These options are not recommended for the Waterfront for reasons discussed under each option.

It is recommended instead, that the review process for this document focus discussion on a second set of options. These are:

- o Amendment of the Master Plan followed by Development of Specific Plan
- o Concurrent Amendment of the Master Plan and Development of Specific Plan
- o Concurrent Amendment of Master Plan and Development of Specific Plan and Development Agreement

B. OPTIONS

Option #1: SUBMISSION BY SANTA FE OF PROJECT APPLICATION UNDER CURRENT MASTER PLAN AND ZONING ORDINANCE PROCEDURES (STATUS QUO)

1. Description

This option would rely upon existing Master Plan policies, Goals and Policies adopted at the end of Phase I, procedures of the "U" Unclassified Zoning District, and the Environmental Impact Report (EIR) requirements of the California Environmental Quality Act (CEQA) to review and act upon projects proposed for the Study Area.

An application filed under this process must conform to existing Master Plan policies. These include the designation of the shoreline and public land for recreation/institutional use and the qualitative standards contained in the Open Space, Conservation and Recreation Element. The complete text of these policies are contained in Attachment D. These include policies that development complement the unique

Waterfront setting, enhance recreational opportunities, insure use of the Waterfront area by a diverse population (age, sex, race, income), be visually interesting and attractive, recognize areas which require special management or regulation and retain a maximum amount of water with public access. An application would not, however, be obligated to be consistent with goals and policies adopted at the completion of Phase I. In this eventuality, City Council would be urged to indicate in what respects the project was inconsistent with these policies and the reasons for approval in spite of these inconsistencies.¹

The Unclassified Zoning District permits all uses not otherwise prohibited by law provided a Use Permit shall be secured for any use. A Use Permit application must be referred to the Planning Commission for comment prior to consideration by the Board of Adjustments. Following Board action, City Council must approve, reverse or modify the Board's action. The complete text of these regulations is contained in Attachment E. A Use Permit is not subject to referendum.

This option would terminate the City planning process for the Waterfront with adoption of Goals and Policies developed in the Phase I. Assuming that Santa Fe would proceed immediately to develop an application under the Unclassified Zoning District, the time until final action on an application would be 10 to 15 months (including time for application preparation). The specific steps and time estimates are contained in figure 4 at the end of this section and the January 11, 1983, City Manager Report (Attachment A)².

2. Advantages

Under this option, costs to the City for planning would be minimal. The City requires applicants to pay \$250 for submittal of the application, a public hearing and an initial study to determine if an EIR is required. Assuming an EIR is required, the applicant must pay the cost for preparation plus 12½% of the total to cover City management of EIR preparation and review. Given the expected complexity and controversial nature of an application for the Waterfront, these fees might not cover all costs in processing such an application.

1 Natalie West, City Attorney

2 Following City approval any project that affects property within 100 feet of the shoreline and/or on water, the owner must apply for a permit from the Bay Conservation and Development Commission. Time estimates for this process are not included for any option.

The total time from the conclusion of Phase I to issuance of construction permits would be the shortest under this option if the City Council approves the application or a modification acceptable to the developer.

3. Problems

For the City, the initiative for defining what is wanted would be lost. The City could only react to projects presented - by Santa Fe, the State or other developer. At the same time, for the owner or private developer, the acceptability of a specific project would be difficult to gauge. In addition, costs for due application and IER preparation are significant. The City could find itself confronted with the Hobson's choice of approving a mediocre project or facing further legal challenge. Finally, some staff from the State who are responsible for parks planning in the area state that the lack of zoning makes it difficult for them to obtain appraisals for the land. Others, however, indicate that this is not a problem. Specifically, the East Bay Crescent is a priority area for State participation in coastal open space and recreation development. Planning and feasibility studies are being carried out by the State Coastal Conservancy and State Department of Parks and Recreation. Six and a half million dollars has been set aside for acquisition or development in the area. The State expressed at the Waterfront Information Meeting in March and on other occasions the problem that lack of definition of what is permitted produces for them. Their planning must include financing and estimates of the cost to acquire portions of the Waterfront and the staff who spoke indicate that appraisals needed for such estimates cannot be made when no permitted use is established.

4. Conclusion

At first glance, this option seems to offer the quickest and least costly process. However, in reality, this option could become the most costly and most lengthy. It provides no method for public participation in project development. Without such participation from an early state, even an excellent project could face insurmountable opposition.

With the rejection of an application, Santa Fe would have to decide whether to develop an alternative proposal (which would also be vulnerable to rejection) or to seek relief in the courts.

In addition, even if a project achieves community support, the Zoning Ordinance provides no mechanisms to require the provision of public improvements, the dedication of land for public purposes, design review of buildings and landscaping, timely project completion or support to meet housing or transit demands created by a project.

Finally, without specific policy on what is permitted on the Waterfront, the State may be forced to limit its current and future park and recreation planning for and with Berkeley.

Option #2: COLLABORATIVE PLANNING PROCESS LEADING TO A DEVELOPMENT AGREEMENT

1. Description

In 1979 the State adopted Article 2.5 of the Government Code which sets forth the procedures and standards applicable to development agreements. As stated in the Article:

"The lack of certainty in the approval of development projects can result in a waste of resources, escalate the cost of housing and other development to the consumer, and discourage investment in and commitment to comprehensive planning which would make maximum efficient utilization of resources at the least economic cost to the public; and

Assurance to the applicant for a development project that upon approval of the project, the applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval, will strengthen the public planning process, encourage private participation in the public planning process, encourage private participation in comprehensive planning and reduce the economic costs of development."

The Article further states: "A Development Agreement is a legislative act which shall be approved by ordinance and subject to referendum. A development agreement shall not be approved unless the legislative body finds that the provision of the agreement are consistent with the general plan and any applicable specific plan." (The full text of these provisions is contained in Attachment F.)

A Development Agreement is a contract in which:

- o The developer agree (1) to carry out a project according to the provisions of the agreement; (2) where provided for, to build public facilities and/or dedicate land for public use; and (3) to accomplish its development with the schedule established.
- o The City agrees not to change the applicable planning, zoning or subdivision regulations applicable to the development for a specified period of time.

Any agreement would be a legislative act subject to a referendum. The following steps are involved in this process:

Step 1: Agreement on the development concept to be pursued

To achieve this the City staff and Santa Fe would develop alternative scenarios for review and discussion with City Boards and Commissions, Community organizations, other public agencies and residents. Based upon the analysis of the alternatives and public comment, the City Council would endorse one scenario (probably some variation of alternatives considered).

Step 2: Preparation of Detailed Plans and Implementation Programs

With agreement from the City, Santa Fe in consultation with the City would prepare a detailed proposal for which it would seek approval and Development Agreement contract.

Step 3: Begin EIR and Enact Enabling Legislation

- (a) EIR Process: Upon submittal of its proposal, the City would conduct an Initial Study and preparation of an Environmental Impact Report. The EIR would be funded by Santa Fe but carried out by the City or its consultants.
- (b) Enactment of Enabling Legislation for Development Agreement: Concurrently, the City would develop and adopt legislation, based upon Article 2.5 of the State Code on Zoning Regulations which would establish requirements and procedures under which the City could enter into Development Agreements.

Step 4: Review and Action on EIR, Plan and Development Agreement

This process would be based upon the specifics of the enabling legislation and the CEQA requirements for review and environmental documents. Article 2.5 requires that a public hearing on an application for a development agreement be held by an advisory agency and by the legislative body, with notice provided through newspaper publication and mail notice to interested parties at least 10 days prior to each hearing.

CEQA requires a 45 day period for review and the Draft Environmental Impact Report and response to comments received before acceptance of a final Environmental Impact Report. The EIR must be found adequate before a project can be approved.

The total time to carry out this process would be 12 to 18 months. This assumes that agreement on a development scenario can be achieved in 3 to 5 months. While the City would rely on Santa Fe for the primary technical work, City staff would be needed to analyze alternatives scenarios and their implications, facilitate community participation, development requirements for provision of public facilities on services and dedication property and manage environmental evaluation and review procedures. Specific steps and time estimates are contained in Figure 4 and the January 11 City Manager Report (Attachment A).

2. Advantages

The critical benefit to the developer is that a complex phased development can be carried out without fear that land use regulations or procedures affecting it will change. The process may eliminate the need to obtain individual discretionary permits; this permits the developer to organize a comprehensive program for project financing and construction.

This process also permits the developer to obtain preliminary approval to a development scenario before extensive time and resources are committed to detailed project planning.

The primary benefits to the City are that the process creates incentives for comprehensive rather than piecemeal site planning and development and allows the City to (1) control specifics of total project, (2) require provision of public facilities or services and/or dedication of land and (3) set deadlines for completion of project components.

By providing for Council action at critical junctures, the process reduces the potential for a long planning process which ends with rejection of a project. It was just such a rejection in 1972 that precipitated the inverse condemnation suit.

Finally, Santa Fe would provide most planning resources as well as financing the EIR.

3. Problems

State Law requires a Development Agreement to be consistent with the City's general plan. Without amendment of the Berkeley Master Plan, any development agreement might be subject to legal challenge because the City has not carried out the "further study" called for in the Land Use Element. An "area for further study" does not appear

to be consistent with a development agreement containing requirements for project construction and other actions on a specified schedule.

This process was recommended to the City Council in January and referred to various Boards and Commissions for comment. Although it appears that it was intended that the Master Plan be amended as part of the process, at the time many expressed doubt that a process which relied upon Santa Fe to carry out the planning studies would result in a project that would be in the best interest of the City. A fear expressed was that feasible opportunities to obtain improved access (especially transit), protection for environmental resources, maintenance of open space, jobs for Berkeley residents and economic development to complement existing business would be ignored or discounted while Santa Fe's profits from the development would be maximized. This doubt could lead to a Development Agreement being subjected to a referendum with resulting delays and potential project rejection.

4. Conclusion

A Development Agreement, regardless of its content cannot be considered consistent with a Master Plan policy that calls for further study of the site. Option 6 includes Master Plan amendment in a process which would result in a Development Agreement. If a Development agreement is determined to be in the City's best interest, it should be pursued through a process such as that described in Option 6 rather than as a single objective.

Option #3: AMENDMENT OF THE MASTER PLAN FOLLOWED BY ENACTMENT OF A NEW WATERFRONT ZONING DISTRICT FOLLOWED BY RECLASSIFICATION OF WATERFRONT TO NEW DISTRICT (TRADITIONAL PLANNING PROCESS)

1. Description

This process is the traditional planning process for undeveloped areas. For Berkeley it involves the following steps:

Step 1: Master Plan Amendment

A Master Plan amendment is first developed and adopted. It would include (a) a Waterfront Element to define goals, policies specific to the Waterfront covering land use, design standards, economic development, protection of views and environmental resources, access and circulation, public use, recreation and public facilities and services; and (b) complementary amendments to other Elements for internal consistency.

Step 2: Zoning District

Following adoption, a new Zoning District is developed and adopted to regulate development on the Waterfront.

This district would define permitted uses, development standards (height limits, parking requirements, etc.) and review procedures to which any application must conform.

Step 3: Reclassification

With enactment of the new Zoning District, the property on the Waterfront is reclassified to the new district.

Step 4: Application

Santa Fe files an application for development under the new district. The application would be subject to the review requirements set forth in the revised Zoning Ordinance.

Each step of this process requires environmental evaluation. However, the EIR for the Master Plan Amendment could be quite general and could provide the basis for specific impact analyses subsequent steps.

This process could be extremely lengthy. To reduce the time as much as possible, work could be programmed so that Zoning Amendments are being developed as Master Plan Amendments are reviewed and adopted. This would permit revision of the draft Zoning Amendments to reflect modifications that occur as Plan Admendments are reviewed. However, the process would still take from 18 to 30 months to carry out. The process could be further extended if subdivision of the property is proposed. The specific steps and time estimates are contained in Figure 4 and the City Manager's January 11 report.

2. Advantages

This process is well established through State legislation and legal precedent that alternative processes are judged against it to determine their legal adequacy. One reason for the legal standing is the requirement for public notice and hearings prior to action. At each step of the process, review by the Planning Commission (or Board of Adjustments for Zoning applications) and the City Council we required in most cases, noticed hearings. Because of this long tradition of participatory guarantees, these land use control mechanisms are well understood and accepted by the Community.

3. Problems

The time involved and cost to the City for this process represent important deterrents for this option. Until an application is submitted, the process would rely totally on City resources. In addition, the Study Area is a unique site.

It contains a multitude of individual environments, each with its characteristics to be protected, enhanced or mitigated. At the same time, the site needs an overall design concept within which components can complement each other. Optimum design can only be achieved if the planning is integrated to balance public use and preservation, the provision of public facilities and services, major design themes, access and circulation, and urban uses. With the property in one ownership, such planning is feasible and essential. This is not possible under a traditional process which establishes development policy and regulation apart from specific use proposals.

Zoning regulates only land use so it does not provide the opportunity for coordinated public/private actions that such mechanisms as Specific Plans and Development Agreements do. Like redevelopment plans, these tools offer the opportunity to use trade offs, negotiation and land dedications to achieve the quality of development the people of Berkeley and the site deserve.

Finally, zoning does not provide for phased development of a complex project. Each state would become an individual project subject to potential policy changes. With this threat, development plans are apt to be conventional and uncomplicated.

4. Conclusions

This option involves a long and costly process which is unlikely to produce a result Berkeley will be satisfied with. Feasible and desirable public/private partnerships might be precluded. This process is more appropriate to conventional sites in multiple ownerships where a zoning framework will produce compatibility between individual projects.

Option #4: AMENDMENT OF THE MASTER PLAN FOLLOWED BY PREPARATION OF A SPECIFIC PLAN

1. Description

Like Option #3 (the Traditional Planning Process) this alternative begins with the development of Master Plan amendments. The goals and policies of the new Waterfront Element would set the parameters for more detailed planning. Amendments would be based upon goals and policies adopted at the conclusion of Phase I, study of site features and the ability of alternative concepts to collectively meet identified goals. Policies would cover land uses, design standards, economic development, protection of views and environmental resources, access and circulation, public uses, recreation and public facilities and services.

With the adoption of Master Plan amendments, this process would move into the preparation of a Specific Plan. Specific Plans are authorized in Articles 8, 9, and 10 of the Government Code Chapter on Local Planning (full text in Amendment). The legislative body or the planning agency may designate areas within a city for which development of a specific plan will be necessary or convenient to the implementation of the general plan. A Specific Plan shall include all detailed regulations, conditions, programs and proposed legislation which shall be necessary or convenient for the systematic implementation of each element of the general plan to the plan site.

The City would manage the preparation of a Specific Plan. Interested parties -- Santa Fe, State agencies, community groups and regional agencies -- would be consulted formally and informally to gauge the feasibility and acceptability of potential Plan elements so they are explored.

To encourage development of Specific Plans, the Government Code provides that the legislative body, after adopting a specific plan, may impose a special fee upon persons seeking governmental approvals which are required to be in conformity with the special plan. The amount of the fees shall be established so that, in aggregate they defray, but as estimated do not exceed the cost of development and adoption of the specific plan.

A Specific Plan is a project which requires environmental evaluation under CEQA guidelines. If a Specific Plan is found to have potential significant adverse impacts, an EIR must be prepared; it is anticipated an EIR would be required for a Waterfront Specific Plan. Once an EIR for a specific plan is certified, its findings can be used to eliminate or greatly minimize requirements for environmental assessment of individual Specific Plan projects.

A Specific Plan must include provisions to implement all elements of the Master Plan (not just land use); specifically, plans must include:

- o Location and standards for land uses, buildings and facilities;
- o Location of and standards for streets, roads and other transportation facilities.
- o Standards for population density and building intensity;
- o Standards for conservation, development and use of natural resources.
- o Provisions for implementing the open space element.

In addition, the Plan can include zoning regulations, additional subdivision controls and public works programming.³ Once adopted, all public and private actions covered by Plan provisions must be consistent with that Plan. The only amendment to the Zoning Ordinance required would be one which would state that for areas with adopted Specific Plans, the uses, standards, conditions, procedures and findings required for development approval would supercede those in the District within which the area covered by an adopted Specific Plan is located. It thus eliminates the need for a new zoning district and reclassification of the property (Steps #2 and #3 of the previous option). The Plan could further contain enabling legislation for land dedications, provisions of public facilities, use of development agreements or other programs essential to Plan implementation. With these provisions in place, applications consistent with plan elements can be approved quickly.

This option would take 18 to 24 months to complete. The steps involved and time estimates are contained in Figure 4 at the end of this Section. Costs could be recouped through fees at the time of development. Staff is exploring the possibility that Santa Fe finance Specific Plan preparation in advance rather than through fees at the time of development. Information and recommendations on this issue will be provided to the City Council in November.

2. Advantages

State law⁴ mandates that each City shall adopt a comprehensive long term plan for its physical development. The State then requires that implementing actions such as Zoning regulations, Specific Plans, Development Agreements, Redevelopment Plans, Subdivisions and Community Facilities Plans be consistent with the adopted Plan⁵. With a Waterfront Element in the Master Plan, accompanied by appropriate amendments to other Plan Elements, implementing actions consistent with these amendments would not be subject to legal challenge. Discussion in Phase I has revealed that individuals and groups seek to achieve a wide variety of goals on the Study Area. These include maintenance of its open and undeveloped character, provision of jobs for unemployed Berkeley residents, enhanced recreational opportunities for Berkeley and Bay Area residents, preservation of endangered ecological features and a lively activity center embodying the unique character of Berkeley. Various visions of how such diverse

3 SPECIFIC PLANS, State of California Office of Planning and Research, 1981

4 Article 5 of the Government Code on Local Planning

5 Divisions 1 and 2 of the Government Code

goals could be accommodated were explored with no conclusive result. By focusing first on the Master Plan Amendment, the community could articulate in broad strokes what type of development scenario can effectively address the range of needs of the City and opportunities presented by the site. With such an overall vision adopted detailed planning might be expedited.

A final advantage is the opportunity, following amendment of the Plan, to evaluate alternative implementing strategies. While the Specific Plan appears to be an especially effective approach at the present time, conditions may change and mandate an alternative.

3. Problems

This process could be costly and lengthy. Especially at the Master Plan Amendment stage, two potential difficulties can occur. One is the extension of the process to permit the exploration of an ever increasing variety of alternatives. As this time elapses, opportunities for appropriate public and/or private development may be lost. The other is adoption of Master Plan Amendments which are ambiguous. Should this occur, debate on appropriate use of the waterfront would be deferred. Resolution of basic policy issues would mean that the Specific Plan or other planning process adopted following the Master Plan Amendment would take longer to complete.

A second problem is that detailed planning may reveal opportunities or constraints that are not anticipated in the Master Plan Amendment process. For example, assumptions made about State resources to support the preservation of public uses on the Waterfront may prove incorrect. The Master Plan might require further amendment as a result of findings reached in the Specific Plan process.

Finally, it should be noted that the Specific Plan is required to address all nine elements of one Master Plan (Sections 65461 and 65302 of the State Planning law), which would require more staff work and review by a greater number of Boards and Commissions. This would be more complicated and possibly more lengthy than a simple Master Plan Amendment.

4. Conclusion

This process meets State and City legal requirements and would result in a complete planning process for the City. The uncertainty of the time and costs involved for Master Plan Amendment is its major drawback. The City may not be able to commit scarce planning resources to this project over an extended time period.

During the past two years, Santa Fe and the State have committed significant resources to evaluate the Waterfront for their purposes. Such planning will evolve specific proposals, whether or not the City amends its Master Plan. If the City initiates the two step process described above, the process should be premised upon specific time limits for Master Plan Amendments and Specific Plan preparation and adoption.

Option #5: CONCURRENT AMENDMENT OF THE MASTER PLAN AND PREPARATION OF SPECIFIC PLAN (ONE STEP PROCESS)

1. Description

*Higher
Phase / goals
more important*

This option sees all planning elements--policy development, site planning, implementation and environmental review--as inter-related. Under this option, the preparation of a Specific Plan would begin based upon the Goals and Policies adopted at the conclusion of Phase I. Using these goals and policies, alternate development scenarios would be explored with the community and interested or affected groups. These scenarios would include, in addition to plans and policies, preliminary examination of financing strategies, other implementation techniques and environmental, economic and social impacts.

The Specific Plan under this option would be a comprehensive document which integrates goals and policies, overall design concepts, site planning, implementing procedures and financing programs. It would be accompanied by an Environmental Impact Report which would address economic and social as well as physical impacts.

When completed, the draft Specific Plan and EIR would be subject to public hearings leading to adoption of the Specific Plan as both an amendment to the Master Plan and the basis upon which the City administers individual development proposals of Sante Fe. Under this option, the City could seek funding for the Specific Plan and EIR preparation at the time Phase II is initiated or when applications for development are submitted. As noted in Option #4, information on recommendations on funding options will be provided to the City Council in November.

The total time for this process is estimated at 12 to 15 months. Time estimates and individual steps are described in Figure 4 at the end of this section.

2. Advantages

This process permits a continuous interaction between the planning elements. As opportunities or constraints emerge, they can be examined for their potential affect. Thus, when a Specific Plan is completed, it will be one for which goals and policies, land use proposals, and implementing programs will be consistent and feasible. Execution of plan components could begin immediately.

This option should reduce the total time required to complete Phase II. By committing planning resources to one product--a Specific Plan--the time involved in sequential products, each with its individual review requirement, can be avoided. While preparation of the Specific Plan may take more time and resources than individual products under other options, the total cost and time required will be less and the product more useful.

This process allows the City to recoup its plan development costs from Santa Fe. With increasing demands upon its limited resources, a process which relies not upon City, but upon private funding, deserves careful examination.

3. Problems

This option assumes that basic policy issues can be resolved as alternative scenarios, funding mechanisms, and regulatory processes are evaluated. If the assumption is not warranted, the City could be left without a plan and with further legal and cost problems. This process has not been used before in Berkeley and for this reason, the planning process will require work with boards, commissions, community organizations and interested individuals to clarify their roles and responsibilities. The process will need defined points to measure progress, identify problems and adjust the process to unexpected circumstances.

If Santa Fe is to fund this option (either "up front" or in fees down the line) strict control on the resources budgeted will be necessary. Methods to insure that a Specific Plan containing all the essential elements specified will be needed.

4. Conclusion

This option is more expeditious than the previous two. If successful, the Specific Plan will resolve the legal issues and provide a blue print for future development of the Waterfront by public and/or private bodies. It may also include a process to obtain outside financing for costs of plan preparation and environmental review. To avoid failure, check points will be required to evaluate and adjust the process. With these procedures the risks can be minimized and the benefits of this option realized.

Option #6: INTEGRATED PROCESS TO AMEND THE MASTER PLAN, PREPARED A
SPECIFIC PLAN AND NEGOTIATE A DEVELOPMENT AGREEMENT
(COMBINATION APPROACH)

1. Description

This option would take the previous option two steps further by including within the process, negotiation of a Development Agreement with Santa Fe for their project (or its initial phases) and explicit provisions for putting the proposal on the ballot in November by the City. The option would start with the goals and policies adopted by the City Council at the conclusion of Phase I and the development proposal Santa Fe will present in early November. Starting from these documents, the option would proceed through the following stages:

Evaluating of Santa Fe Proposal and Master Plan Amendment
Draft

- o Evaluation of the Santa Fe proposal, preparation of a draft Master Plan amendment and environmental assessment of these documents. The result of this stage would be a sense motion by Council adopting the Master Plan amendment.

Specific Plan Preparation

- o City prepare a Specific Plan in consultation with Santa Fe. When developed, draft Master Plan amendments would be reviewed for any required modifications and mitigation measures identified within the EIR; Council would then authorize negotiation of a Development Agreement with Santa Fe.

Preparation of Final Documents

- o City prepares final documents--Master Plan Amendment, Specific Plan and draft Development Agreement with Santa Fe; following review by Boards and Commissions, all documents would be acted upon by the City Council.

Ballot Measure

- o The entire package would then be submitted to the voters by the City on the ballot in November. This element is built into this option because it is anticipated that the length of the contract that Santa Fe would wish to negotiate with the City may be in the neighborhood of ten to twenty years. Since the State provisions for

Development Agreement explicitly provide that once agreed to by City Council, it cannot be reversed by subsequent City Councils, the length of the contract may be substantial, it may be well to place the entire package on the ballot in November of 1984, after approval by City Council. This process would take approximately 15 to 18 months. The individual steps and time estimates are contained in Figure 4. This planning process might be funded through Santa Fe, other sources, City resources or some combination thereof.

2. Advantages

This option would expedite actual development of the private lands on the waterfront. Once a contract is signed, construction can begin immediately. Indeed, the City could well require that the agreed upon schedules be met as a condition of its contract. Since a Development Agreement requires inclusion in the agreement all the regulation of concern to the City, there is necessarily a lot of duplication in the Specific Plan and the Development Agreement. A sub-option would be to have concurrent preparation of a Master Plan amendment and a development agreement without the Specific Plan. This might simplify the procedures since, as mentioned earlier, a Specific Plan is required to address all nine required elements of a Master Plan.

The Specific Plan and Development Agreement can program such provisions as public improvements, dedications of public land commitments to the maintenance of public areas, priority recruitment of City residents, opportunities for cooperative businesses, and procedures for plan modification. The Agreement gives the City additional leverage to impose schedules that must be met if development is to proceed without further public review.

The ballot feature of this option will insure that any agreement is supported in the community.

3. Problems

Like Option #5, the potential exists for intensive planning efforts which are unable to resolve required concerns. Because this option divides the process into stages, revision of the planning process to address unforeseen problems may be more feasible. The most significant risk is rejection at the ballot of plans and agreements developed. Such a disapproval provides no method to modify plans to make them acceptable. Because this option includes close coordination with Santa Fe, the process could generate questions that the process is "rigged".

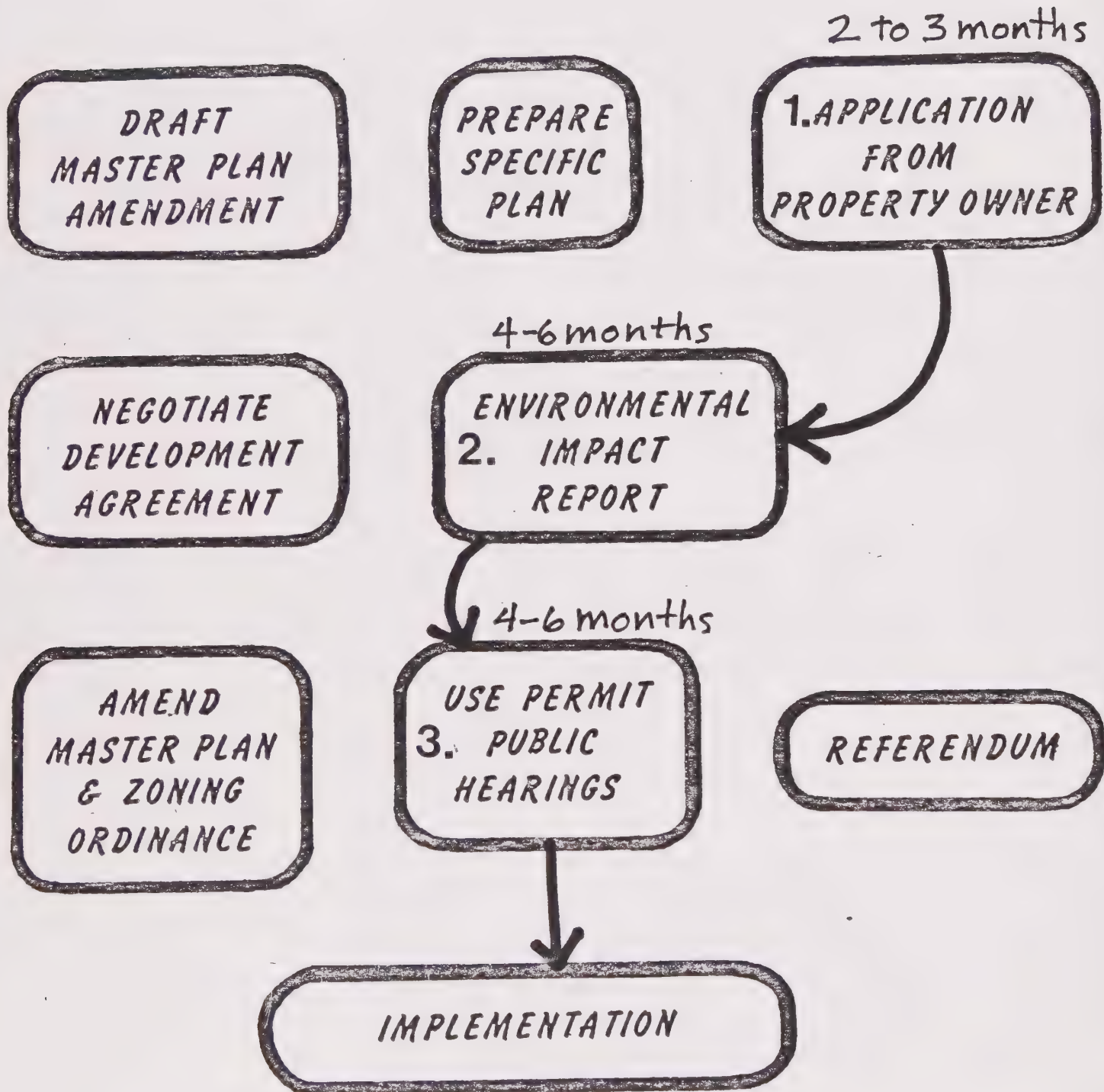
The benefits to the City of comprehensive plan development and implementation and the legitimacy of cooperative planning with Santa Fe must be agreed to or this option will be vulnerable to failure at any stage.

4. Conclusion

If agreement is reached on the importance of development of the waterfront in the near future, this option will provide the planning and implementation tools to expedite action. To succeed, however, its procedures must be well-thought out to insure community understanding, support and participation at all stages. Staff continues to explore how this could be achieved both with this option and others suggested in this report.

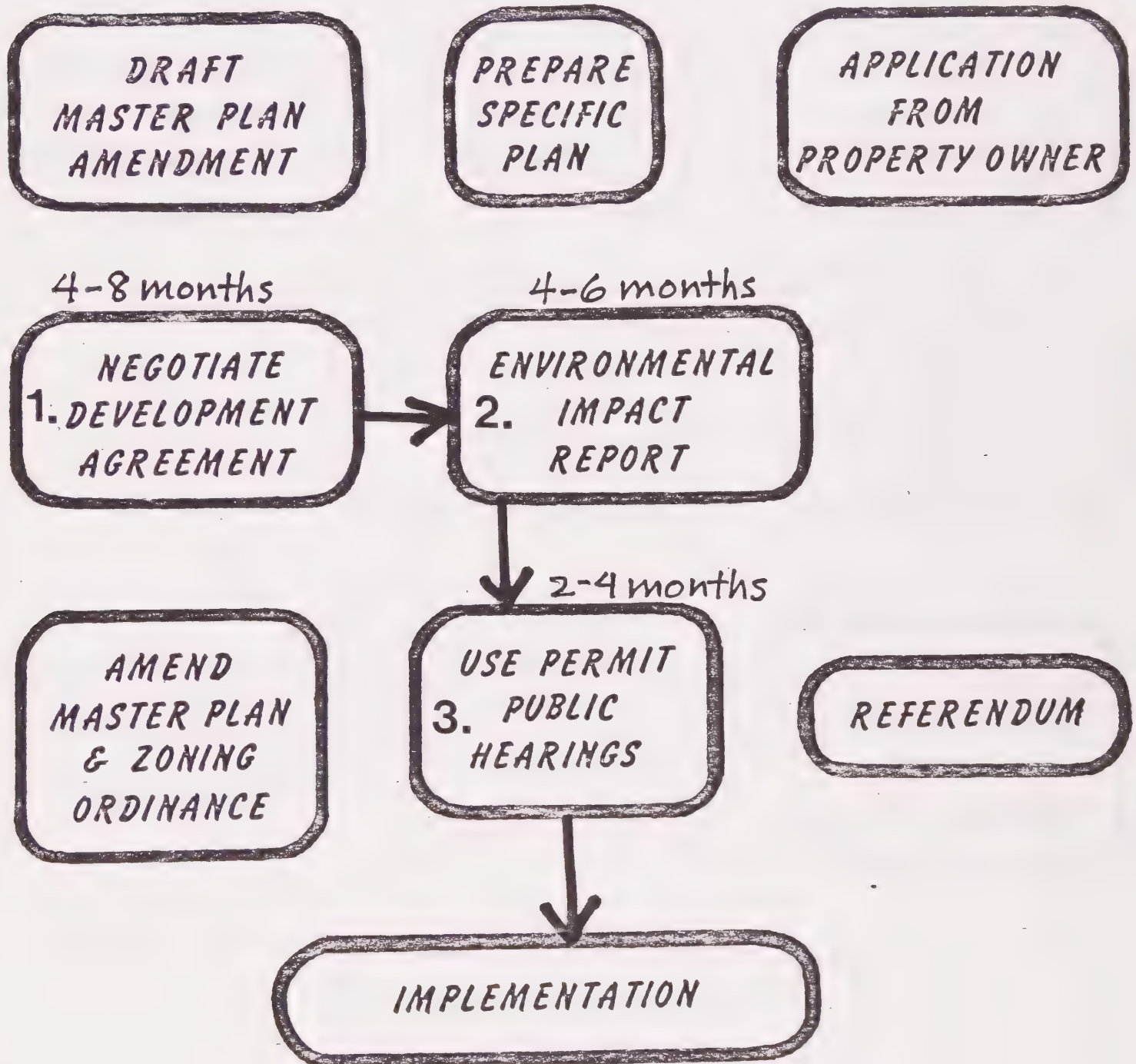
OPTION # 1 : Status Quo

STEPS AND TIME ESTIMATES



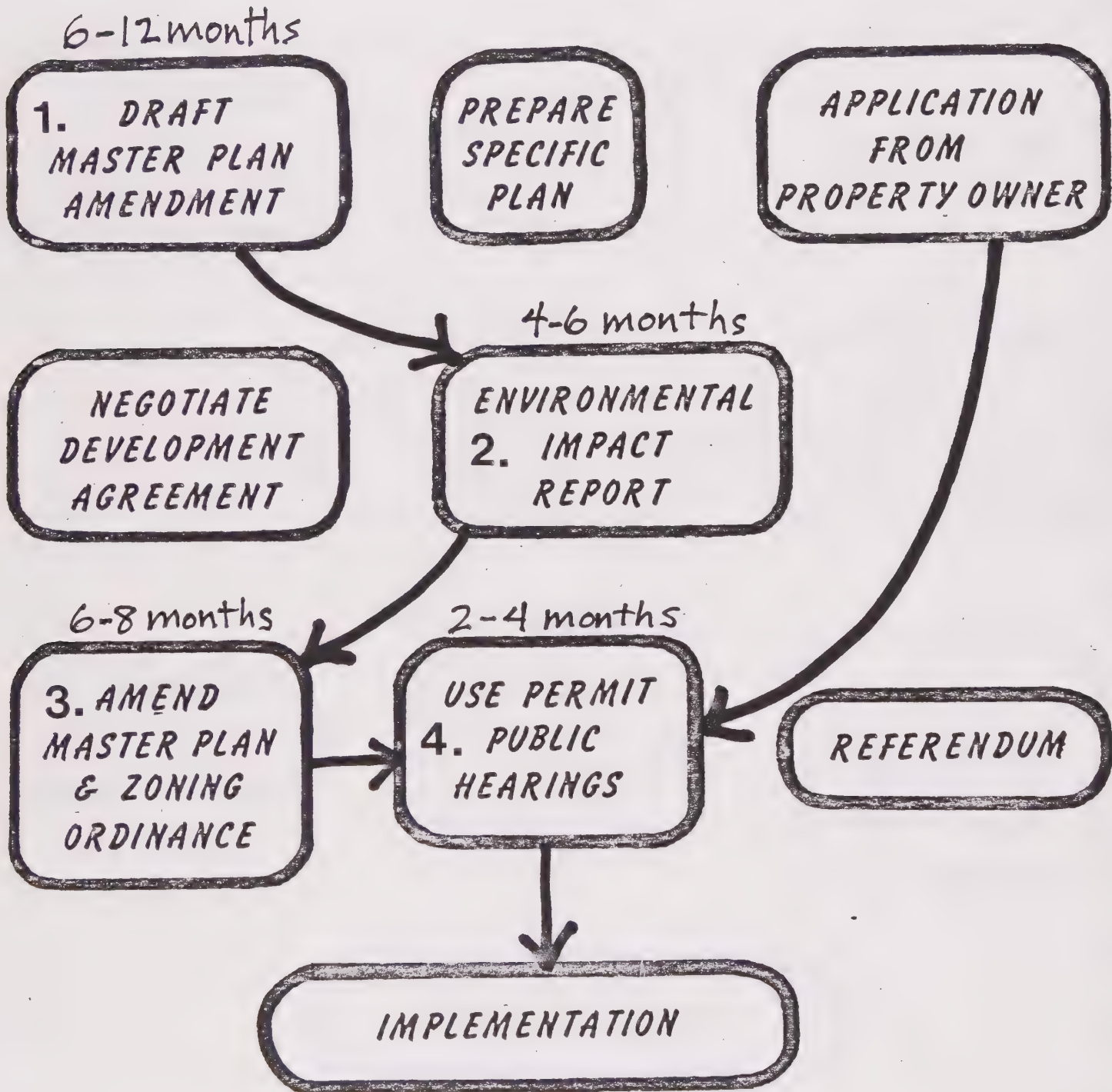
OPTION # 2: Negotiated Agreement

STEPS AND TIME ESTIMATES



OPTION # 3: Traditional Planning Process

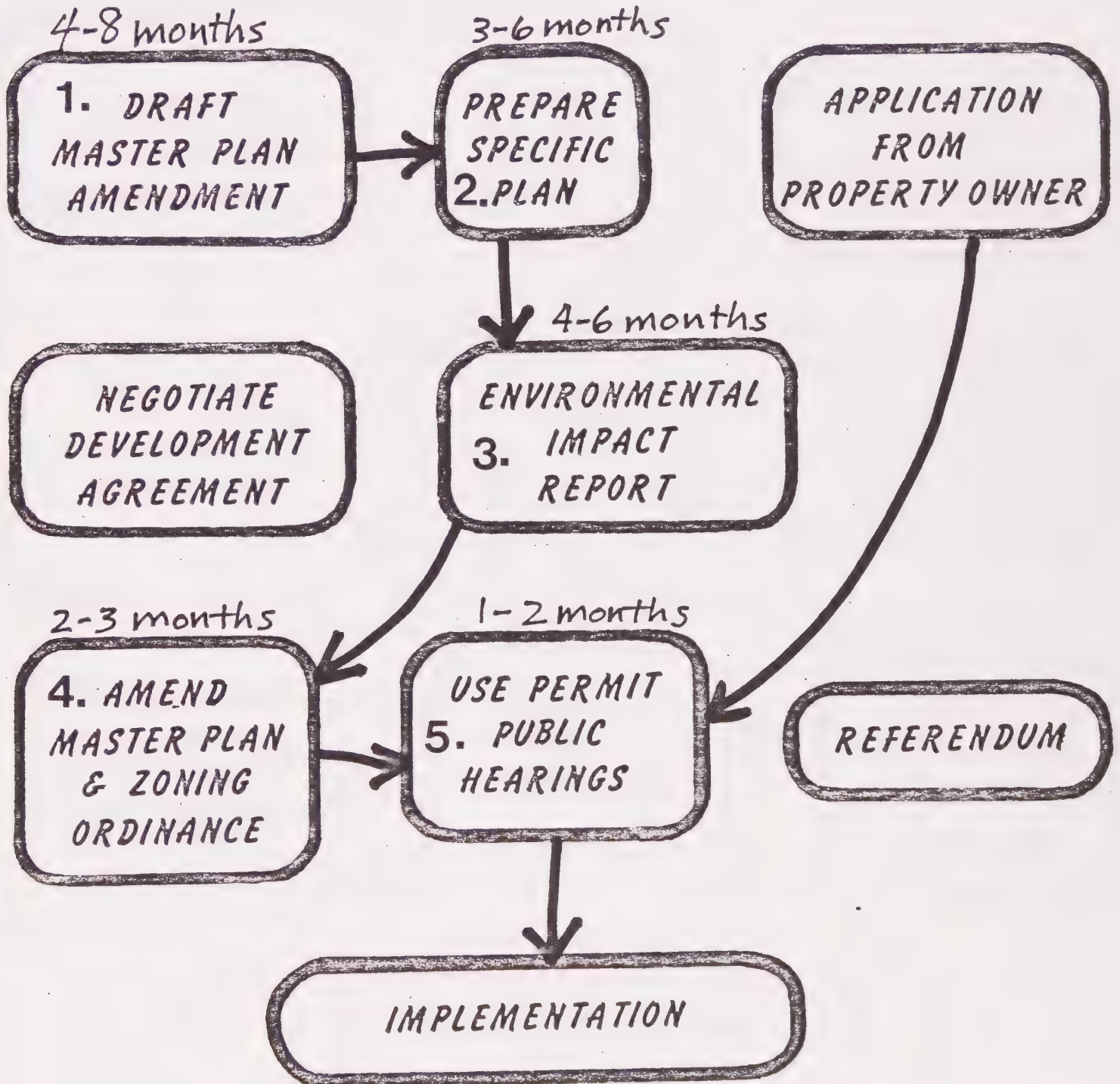
STEPS AND TIME ESTIMATES



OPTION # 4:

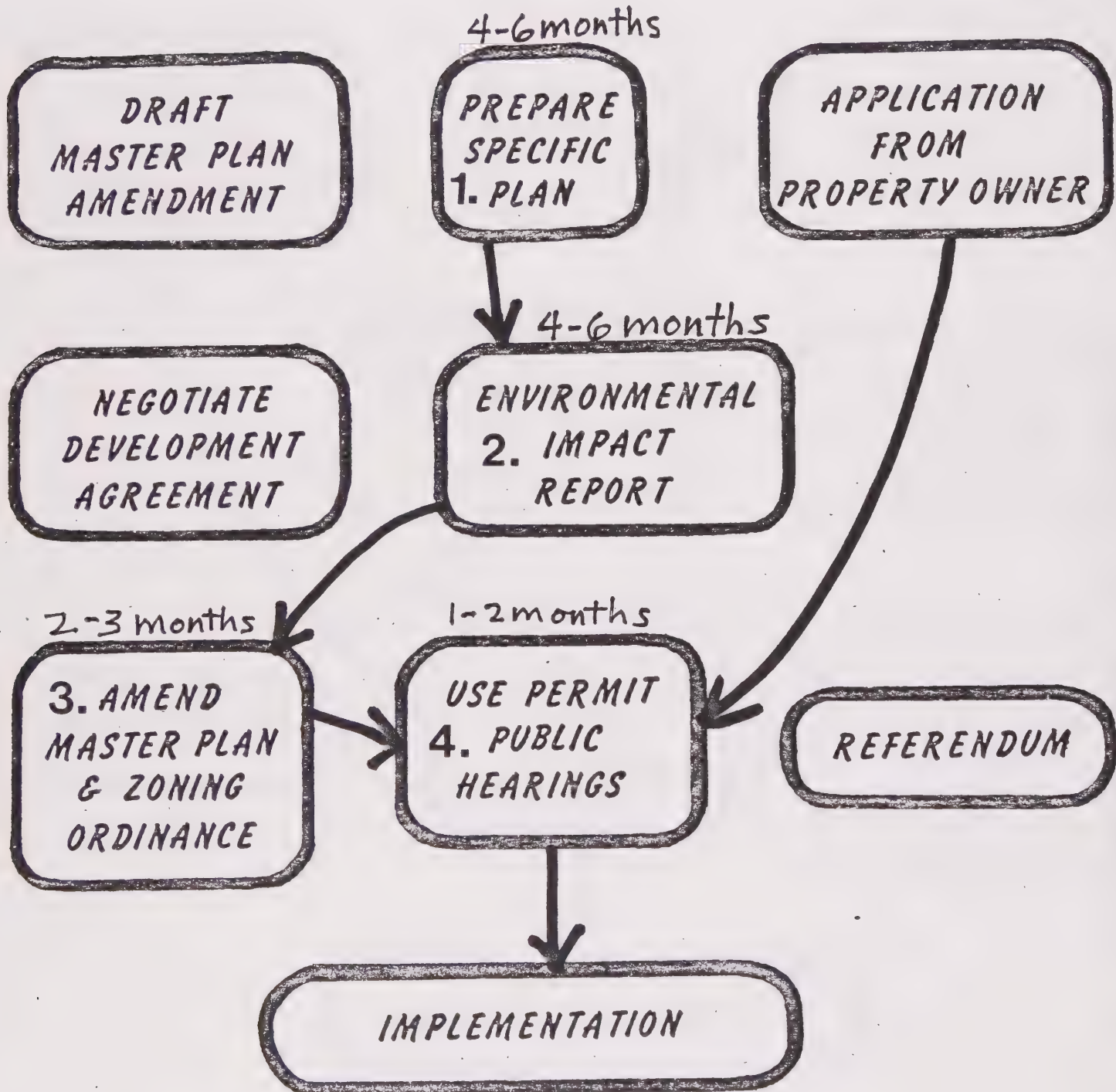
Two Step Master Plan
Amendment and Specific Plan

STEPS AND TIME ESTIMATES



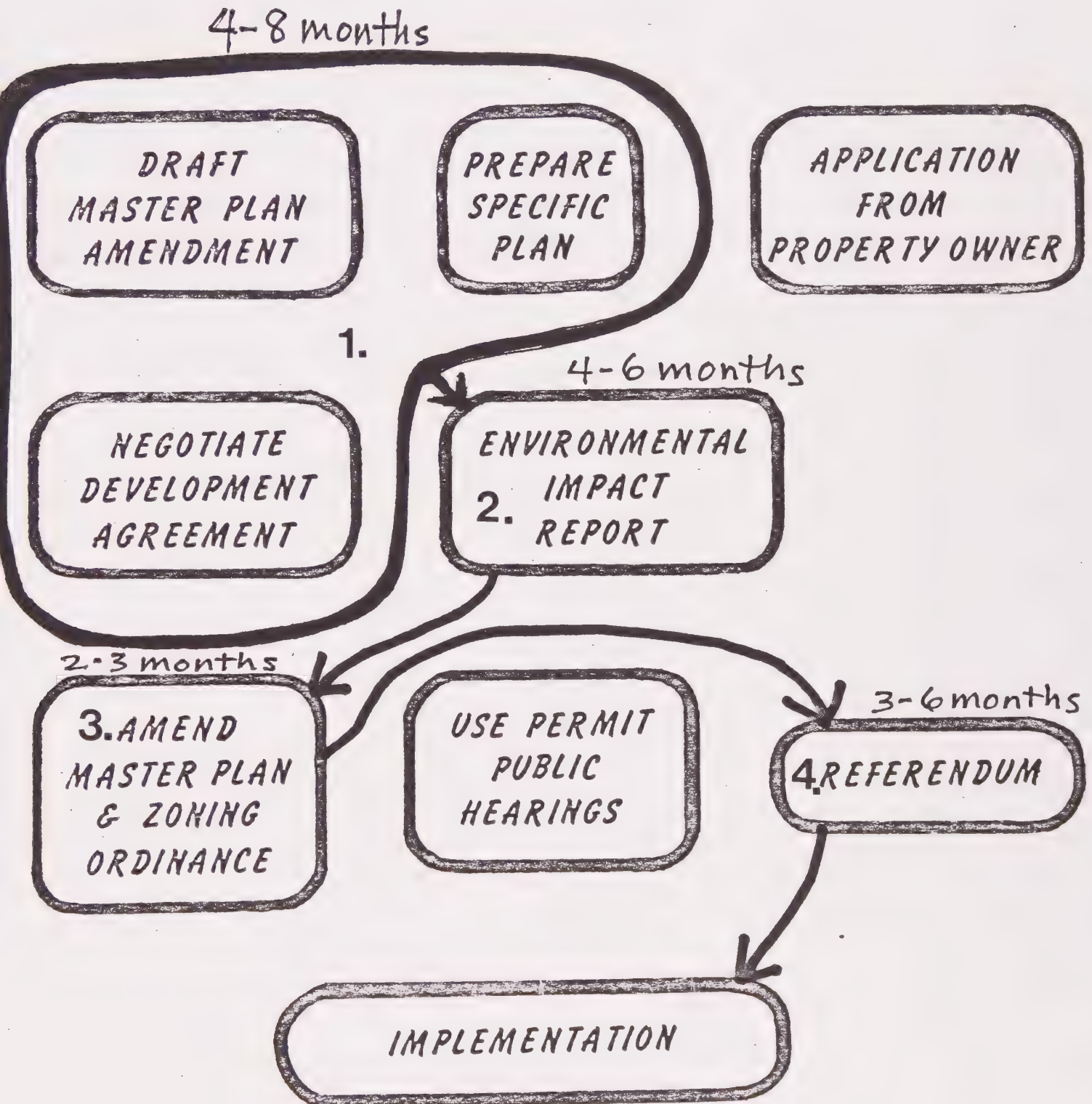
OPTION # 5: Concurrent Master Plan Amendment and Specific Plan

STEPS AND TIME ESTIMATES



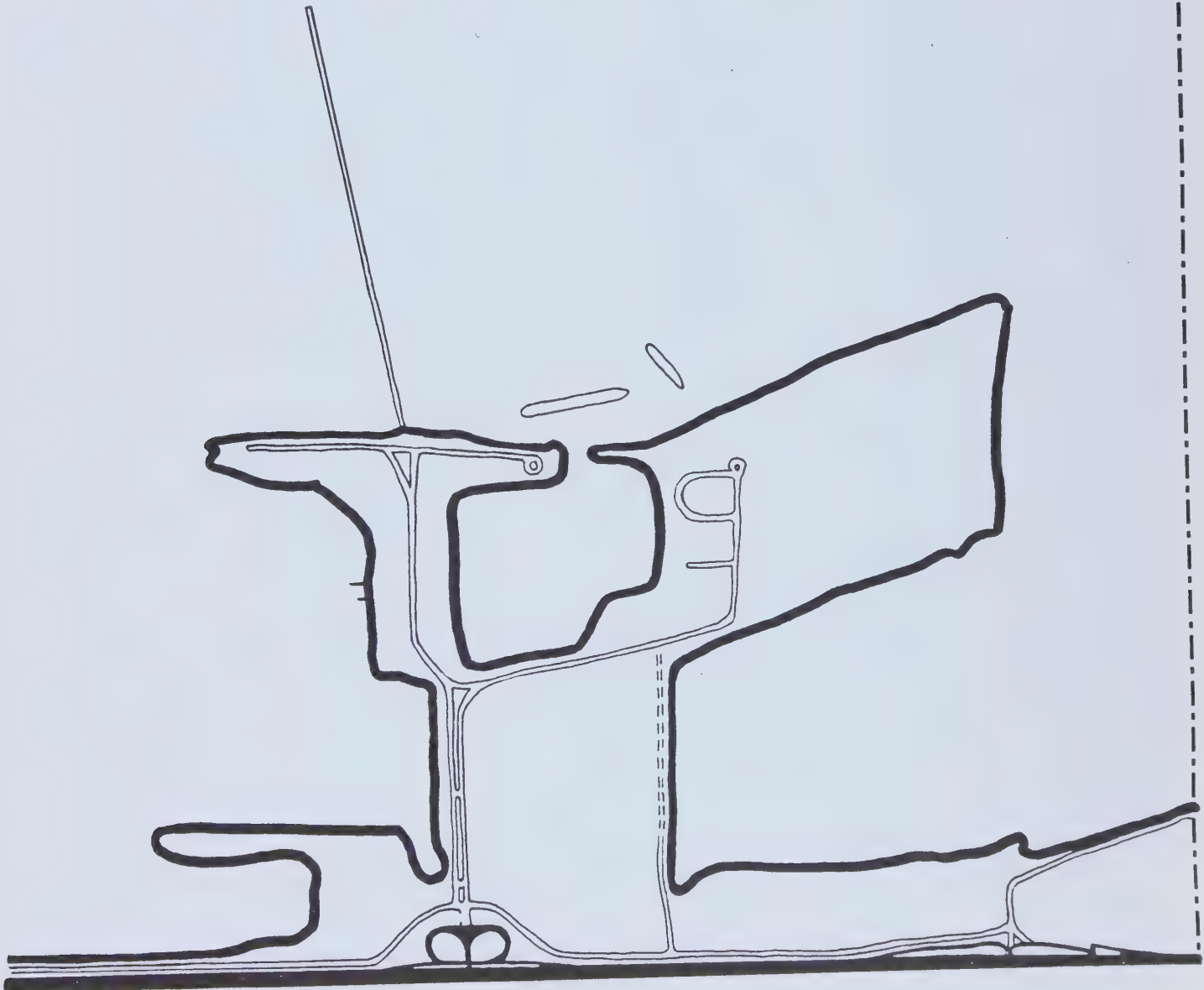
OPTION # 6: Combination Approach

STEPS AND TIME ESTIMATES



ATTACHMENTS

- A. City Manager Report on Waterfront Planning Process, January 11, 1983
- B. City Manager Report on Waterfront Planning Process, April 26, 1983
- C. Phase I Activities, Products and Costs
- D. 1977 Master Plan Policies for Waterfront
- E. Zoning Ordinance Regulations for U District
- F. State Code on Development Agreements
- G. State Code on Specific Plans



City of Berkeley



(415) 644-6580

CITY MANAGER'S OFFICE
2180 MILVIA STREET
BERKELEY, CALIFORNIA 94704

FOR COUNCIL ACTION
January 11, 1983

To: Honorable Mayor and
Members of the City Council

From: Daniel Boggan, Jr., City Manager *DBJ*

Subject: WATERFRONT PLANNING PROCESS

INTRODUCTION

The purpose of this report is to provide Council with:

- (1) a set of broad planning objectives for waterfront development; and
- (2) a planning process for formulating and reviewing proposals for the use and development of privately-owned Berkeley waterfront properties.

The City Council requested both items on September 23, 1982.

RECOMMENDATIONS

That Council:

- (1) Adopt the set of planning objectives entitled "Planning Criteria for Waterfront Development" as a basis of discussion for any planning process; (Appendix "A")
- (2) Approve procedure Option #1, "Collaborative Planning Process Leading to Development Agreement"; (Appendix "D")
- (3) Direct the City Manager to invite representatives of the State Department of Parks and Recreation, the State Coastal Conservancy, and any other group considered to be appropriate, to actively participate in the collaborative planning process;
- (4) Direct the City Manager to initiate the series of Council and community workshops as outlined in Collaborative Planning Process, commencing with a City Council Workshop on February 17, 1983; and to invite:
 - a. the Planning Commission

- b. the Waterfront Advisory Board
- c. staff representatives from the Coastal Conservancy and the
- d. State Department of Parks and Recreation
- e. the Chairperson of the East Bay Shoreline Advisory Board
- f. representatives from Santa Fe Company, and
- g. representatives from any group the City Manager deems necessary.

BACKGROUND *

Public discussion of the appropriate land-uses, density and ownership of Berkeley's publicly and privately-owned waterfront has increased over the last three years in response to related planning and investigation efforts of several public state agencies, including:

Agency	Area of Concern
(1) State Lands Commission	o Public Trust Needs: Albany Mudflats (1982)
(2) Bay Conservation and Development Commission (BCDC)	o San Francisco Bay Plan Amendments (1979) o East Bay Shoreline Park Funding Recommendation (1980)
(3) California Department of Parks and Recreation	o East Bay Shoreline Feasibility Study (1982)
(4) State Coastal Conservancy	o East Bay Shoreline Report (1982) o Establishment of East Bay Shoreline Advisory Committee (1982)
(5) California Department of Transportation (CALTRANS)	o Proposed plans to improve Interstate 80 (1981-Current)

Recently, local attention has focused on the concept of an East Bay Shoreline Park (see Appendix "C" for a brief history of those efforts). At the same time, Santa Fe Land Improvement Company, the owner of all the private lands located along the Berkeley waterfront (APPENDIX "E"), initiated its own planning efforts by hiring two local land-use planning firms: (1) Keyser Marston Associates, Inc., and (2) Hall Goodhue Haisley and Barker.

*See Appendix "B" for "A Brief History of City Planning Efforts" related to the waterfront.

In early 1982, Douglas Hall, President of Santa Fe Land Improvement Company, expressed to the City Manager his interest in working cooperatively with the City of Berkeley in amicably resolving outstanding legal differences and planning for the use of Santa Fe's waterfront holdings. Several meetings were held between City staff and the Santa Fe consultants to discuss alternative processes by which the City Council and Santa Fe could formulate a development plan in cooperation with other major local organizations and public agencies who have been involved in shoreline planning for the last several years.

These staff discussions led, in early September 1982, to a Council executive session at which Douglas Hall expressed his interest in pursuing a cooperative planning process to the City Council as a means of resolving the inverse condemnation lawsuit that has been pending for ten years.

On September 23, 1982, Council again met in executive session--this time with staff only--to discuss legal issues involving the property. At the conclusion of the September 23 session, Council directed the City Manager to organize a Council Workshop with representatives of the Coastal Conservancy and the State Department of Parks and Recreation. The Waterfront Advisory Board was also invited to participate. The purpose of the workshop was:

- (1) to review the status on on-going planning efforts of both state agencies; and
- (2) to explore options for involving state and regional planning agencies in the City's planning process.

The Council also directed the City Manager to develop, following that workshop:

- (1) a recommended waterfront planning process, and
- (2) a set of planning objectives for waterfront development.

Those items are both presented in this report.

On November 18, 1982, the City Council Workshop on shoreline planning was held in the City Council Chambers. Representatives from both the State Department of Parks and Recreation and the Coastal Conservancy made presentations. The Parks Department representative, Lon Spharler, presented the State Park concept for a East Bay Shoreline Park. Mr. Spharler indicated that his department would be available to assist the City of Berkeley in its local planning efforts, but expressed some concern that active involvement in local land-use planning by an agency devoted to park development might be inappropriate.

Peter Brand and Paula Carrell, representing the Coastal Conservancy and the East Bay Shoreline Advisory Committee, respectively, expressed their interest in participating in the local planning process. They urged that a planning process for Berkeley area lands be initiated so that their resources, and those of State Parks and Recreation, could be utilized in overall Shoreline Park planning and development.

In the weeks following the Council Workshop, City staff discussed alternative methods for proceeding with local waterfront planning with representatives of the East Bay Shoreline Advisory Committee, Save the Bay Association, Coastal Conservancy and State Parks and Recreation, and other locally-based organizations.

These recommendations for Council Action reflect a consensus of opinions and concerns expressed in those discussions.

ANALYSIS

Staff laid the ground-work for the recommendations outlined above by answering a few major questions that have been asked by Councilmembers over the last few months:

- (1) Why does the City Council need to take any action regarding the Waterfront Properties?

During the last ten years, the City has been defending two lawsuits which each seek \$12,000,000 damages in inverse condemnation. Since the cases were filed, the Supreme Court has issued a decision restricting the rights of property owners to bring an action in inverse condemnation unless they have filed an application for a specific project and that application has been denied. As a result, it is doubtful that Santa Fe could prevail in the pending lawsuit. Nevertheless, Santa Fe could file an application for a specific project and the City would be required to process the application in accordance with the zoning ordinance. Since the zoning ordinance does not currently contain any standards or criteria for reviewing waterfront development, the City would be placed in a difficult position. The question is, therefore, not whether to develop specific guidelines, but how to go about developing those guidelines and what should they be?

- (2) Since the State Department of Parks and Recreation wants to build a Shoreline Park which would include the private lands, why doesn't Council just sit tight and wait for them to purchase the property?

The current and foreseeable shortage of park acquisition and development funds seriously reduces the State's ability to pursue Shoreline Park Development based on direct acquisition of private properties. The State Department of Parks and Recreation currently has only \$4 million for Shoreline Park acquisition and development. The Coastal Conservancy has roughly estimated that acquisition cost for the Meadowlands and Brickyard alone would be at least \$20 million. Moreover, the acquisition price or fair-market value of Santa Fe lands depends, in large part, on what the property could be used for. It is likely that both the State and Santa Fe will wait for Berkeley to make some land-use decisions before proceeding with serious acquisition talks.

- (3) If the State doesn't have the money to purchase and develop the private lands for park use, and since Council is advised to develop more specific zoning development guidelines to preclude future liability, why not immediately zone the private lands to an acceptable density and use?

Immediate Council action directing staff to develop regulations which allow an acceptable density and use could, in effect, reduce the City's power to leverage public amenities and otherwise promote the Shoreline goals of other agencies and jurisdictions. However, it would be better to take such an action than to take no action.

- (4) If Council decides not to immediately re-zone the property or decides not to act at all, what are its alternatives in developing (1) specific enough guidelines to preclude successful legal challenge, and (2) a plan that supports the creation of a State Shoreline Park?

Council has two options: (1) Master Plan revision and zoning reclassification; and (2) Collaborative planning process with major parties, leading to a development agreement. The pros and cons of these two options plus the no action option are outlined on the following page. The step-by-step process for pursuing each option is outlined in Appendix "D".

- (5) Why are planning "objectives" needed?

Planning objectives, like those recommended (Appendix "A"), are needed to provide a foundation for, and guide, either a Master Plan revision or a collaborative planning process. Instead of starting from scratch, participants in the planning process will start work with both current Master Plan policies and others which appear to have broad consensus. Planning objectives have been used by the City on previous occasions (e.g., re-use of Santa Fe right-of-way) to provide a basis of discussion for multi-party land-use planning efforts.

- (6) What is a development agreement and what are the advantages of pursuing such an agreement for the development of the waterfront?

Under present California State Law, a developer has a vested right to complete a project only when a permit from a city or county has been attained for the project and substantial work has been performed in good faith reliance upon that permit. But with the development agreement, greater certainty can be provided in the development approval process without jeopardizing the land use powers of the local agencies.

Development agreements, drawn up between developers and public agencies, can set forth the rules that will govern a development as it proceeds through the approval process. It does not take the place of existing requirements for public review or analysis of environmental quality impact.

Rather, the development agreement is similar to a planned unit development in which the public agency (or agencies) and the developer commit themselves to proceed in accordance with certain terms.

At the minimum, a development agreement must specify the time during which the public agency cannot change its regulations and permitted land uses. Land use densities, building size requirements and provisions for dedication of land for public purposes cannot be altered. Terms and conditions, including time schedules for development or additional public services and facilities to be provided by the developer, may also be included.

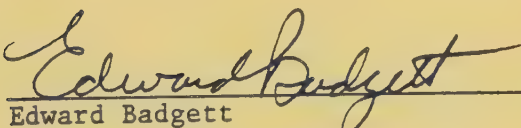
The city can benefit in many ways. The developer may agree to construct specific improvements, provide public facilities and services, develop according to a specified time schedule, or make other commitments. The city might otherwise have no authority to compel a developer to agree to these measures.

To enter into development agreements, a city or county will need to amend its existing ordinances to authorize the agreements, and then develop appropriate implementation procedures. The process is similar to any complex land use proceeding, beginning with informal discussions between applicant and agency staff, and culminating with a formal application to the planning commission and city council for adoption.

In the recommended planning process for Berkeley's waterfront, the informal discussions include a series of Council and community workshops which lead to a formal application.

- (7) By agreeing to initiate the collaborative planning process, will Council be obliged to approve a plan that results from the initial workshops and discussions?

No, the City Council has the authority to approve, disapprove, or seek to amend any formal application that will come to them in the form of a development agreement.



Edward Badgett
Assistant City Manager
Planning & Community Development

LIST OF APPENDICES

APPENDIX A	PLANNING CRITERIA FOR WATERFRONT DEVELOPMENT
APPENDIX B	THE WATERFRONT: A BRIEF HISTORY OF CITY PLANNING EFFORTS
APPENDIX C	BRIEF HISTORY OF THE PROPOSED EAST BAY SHORELINE PARK
APPENDIX D	WATERFRONT PLANNING PROCESS OPTIONS: STEP-BY-STEP Option I: Collaborative Planning Process Option II: Master Plan Amendment and Zoning Reclassification Option III: Use Permit Application Under Existing Regulations
APPENDIX E	SANTA FE COMPANY LANDS IN BERKELEY: ILLUSTRATED
APPENDIX F	CURRENT ZONING REGULATIONS FOR PRIVATE WATERFRONT PROPERTY: "U" DISTRICT

TABLES

TABLE I	WATERFRONT PLANNING OPTIONS: PROS AND CONS (see Analysis Section of report)
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WATERFRONT PLANNING OPTIONS

OPTION I

Collaborative Planning Process
leading to development agreement

OPTION II

- (1) Master Plan Amendment
- (2) Zoning Reclassification
- (3) Submission of proposal under
new zoning guidelines

OPTION III

Use Permit application under existing
"U" District regulations
(current procedure)

PROS

- City takes initiative in establishing policy base
- Development agreement resolves legal dispute
- Substantial public participation
- Promotes regional public interest
- Promotes comprehensive planning rather than piecemeal planning
- Best opportunity to create fiscally and environmentally sound plan
- Predictable assurances for the future for all parties
- High level of public/private cooperation

CONS

- Requires high level of awareness and commitment to the process on the part of public officials
- Potential for public distrust of new type of planning process
- Moderate risk of not reaching an agreement; must start new process

PROS

- City takes initiative in establishing policy base
- New zoning regulations will reduce risk of legal challenge
- Substantial public comment

CONS

- City absorbs high planning costs
- Time consuming process to establish guidelines and review proposal
- Three (3) E.I.R.s may be needed
- Development regulations might severely restrict creativity of development proposals
- Zoning regulations may not account for economic "fluctuations"
- Moderate risk of not completing reclassification process

PROS

- No change in current review procedures required

CONS

- Continued litigation at high cost; risk of new litigation
- Little opportunity for substantive City input into development proposal
- No specific regulations or guidelines to direct developer
- No specific criteria to direct staff and Board evaluation of proposals
- Little predictability of outcome
- Little incentive to developer to incorporate regional concerns into proposal

TABLE I

PLANNING CRITERIA FOR WATERFRONT DEVELOPMENT

ANY DEVELOPMENT PLAN, PUBLIC OR PRIVATE, FOR THE BERKELEY WATERFRONT SHOULD:

- (1) Reflect the waterfront-related policies of the Open Space, Conservation and Recreation Element of the Berkeley Master Plan (1977), which are:

o POLICY 3.40

Require that all new development within the waterfront area meet the following criteria:

- Complement the unique waterfront setting. Insure adequate public access to the shoreline or other public places;
- Enhance recreational opportunities and insure use of the waterfront area by a diverse population (age, sex, race, income);
- Recognize areas which require special management or regulation because of hazardous, unstable soil conditions or other special conditions;
- Complement existing recreation or commercial-recreation development.

In addition, there shall be specific site plans developed for each of the public areas and these shall become a part of this element.

o POLICY 3.41

The waterfront should be designed to be visually interesting and attractive both within itself and as viewed from a distance. Plans for the area should include a creative shoreline design, incorporating varying elevations of terrain and retention of a maximum amount of water with public access.

o POLICY 3.42

Increase access for pedestrians and bicyclists to the waterfront. The first order of priority should be given to changes to each waterfront access so that pedestrians and bicyclists may have safe access to the Bay front.

o POLICY 3.43

The publicly-owned land north of Spinnaker Way should be devoted to public open space and recreation and not developed with structures or organized sports activities. The area will be pedestrian and bicycle-oriented (with no public roads through or around the area) and protected from the intrusion of incompatible uses.

o POLICY 3.44

Develop an unbroken stretch of open space along the shoreline from Albany to Emeryville.

o POLICY 3.45

Enhance existing recreation and commercial recreation development.

- (2) Contain a significant amount of open space available and accessible for public use (open space is any land or water which is not built on);
- (3) Contain developed recreational areas that are affordable and accessible to all Berkeley residents;
- (4) Allow uses consistent with those existing on public waterfront property;
- (5) Reflect the uniqueness and diversity of the Berkeley community;
- (6) Preserve and enhance the beauty of the waterfront setting;
- (7) Include free and uninterrupted shoreline pedestrian circulation;
- (8) Improve private vehicle, pedestrian, bicycle and public transit access and circulation by developing paths, transit safety devices and other amenities;
- (9) Improve access to North Waterfront Park for vehicle, pedestrian and bicycle traffic;
- (10) Consolidate land area devoted to parking in order to conserve open space;
- (11) Use natural screening buffers to lessen visual impact of parking facilities;
- (12) Use architectural style which complements surrounding area and Berkeley as a whole;
- (13) Create jobs for Berkeley residents;
- (14) Generate tax revenues to the City;
- (15) Maintain high visual access both to and from the Bay by limiting building heights;
- (16) Pay for city services and public physical infrastructure;
- (17) Complement, not compete with, commercial activity in the downtown;
- (18) Include energy-efficient design.

THE WATERFRONT: A BRIEF HISTORY OF CITY PLANNING EFFORTS*

The waterfront is defined as all property, public and private, bordered by Albany on the north and Emeryville on the south, located west of the Interstate 80 Freeway, and also including those lands east of the freeway commonly described as Aquatic Park.

The City of Berkeley has historically shown great interest in the comprehensive development of its waterfront. Over a considerable number of years, many ideas and plans have been formulated for the development of Berkeley's waterfront lands. These plans have differed in purpose, scope and detail. The significant aspect of all the early plans, such as those proposed by Colonel T.H. Rees in 1912, J.J. Jessup in 1918, R. Jennings in 1919, Stephen Child in 1926, and R.L. Vaughn in 1930, called for the development of harbor facilities with piers and slips capable of accommodating ocean-going vessels. In the 1940's, subsequent plans, such as Robert Sibley's, included development of a major international airport with taxiways, parking aprons, hangars, shops and office buildings.

Departing from these earlier approaches, the 1955 Master Plan (Waterfront Section) proposed the development of the waterfront as a completely new urban site, with a combination of residential, commercial, recreational and transportation uses. A sketch plan indicated reclamation of 2,500 acres of land extending nearly three miles west of the Eastshore Freeway.

In 1956, the Tudor Engineering Study reported that reclamation of the tidelands was feasible, although not on the scale envisioned in the 1955 Master Plan. The city, therefore, formulated a waterfront study program in 1957, calling for further analysis of the total amount of land fill, together with economic considerations of development and of potential land uses suitable to the area. The city contracted with a team of engineering, economic and planning consultants in 1959 to study the technical phases of the program. A joint committee of the Planning and Recreation Commission was formed to provide general policy guidance to the consultants.

After extensive public discussion, the Planning Commission submitted to the City Council in 1961 a major amendment to the Waterfront Section of the Master Plan, including a substantially revised map. This plan proposed a land fill out to the Corps of Army Engineers' Bulkhead Line (nearly two miles west of the Eastshore Freeway) and contained a variety of land uses, including residential, industrial, recreational, educational, airport and transportation facilities. The Plan involved reclamation of about 2,000 acres of the Bay.

However, during the City Council's public hearings on the recommended plan, considerable opposition arose, particularly from a newly organized group of citizens, the Save San Francisco Bay Association. Primary concern centered around the extent of fill proposed and the effect this plan and others in the Bay Area would ultimately have in reducing the water area of the Bay. The City Council rejected the proposed amendments, requested that alternative plans be prepared and that an East Bay Waterfront Planning Committee be formed to study the feasibility of several cities undertaking cooperative shoreline planning.

*Adapted from the Berkeley Master Plan (1977)

As the work of the East Bay Waterfront Planning Committee started, the Association of Bay Area Governments also became active in an effort to promote regional planning for the entire Bay shoreline. Later in 1963, the Santa Fe Railroad Company joined this trend, presenting a proposal for the regional development of the East Shore Tidelands.

In 1963, the City Council adopted policies that reflected a fundamental change in the earlier assumptions: that waterfront fill should be limited, that park and recreation use should be emphasized and that plans should be considered more fully in the regional context. These policies were expressed in an Interim General Waterfront Development Plan of 1964. The 1964 Plan was modified in 1966 to further limit the amount of fill.

During the 1960's and early 1970's, the City proceeded to develop its marina facilities with funds from California Boating and Waterways. Land leases were also developed with commercial operations--e.g., Marriott Hotel, Solomon Grundy's, Hs Lordships--for parcels of the public properties. The current City policies regarding the waterfront are expressed in The Open Space, Conservation and Recreation Element of the Berkeley Master Plan (1977). The privately-owned waterfront properties are zoned "unclassified". All uses not otherwise prohibited by law are permitted in a "U" zone, subject to obtaining a use permit in every case.

In 1972, the City of Berkeley was sued by the private property owners (Santa Fe/Murphy) for inverse condemnation. The lawsuits were filed several months after the city denied a zoning reclassification which would have permitted the construction of a regional shopping center on the property.

No additional city planning efforts have been made regarding the privately-owned lands since that time.

BRIEF HISTORY OF THE PROPOSED EAST BAY SHORELINE PARK *

For the past 20 years, citizen groups largely centered in east bay communities have worked toward providing greater public access to the shores of San Francisco Bay. These efforts increased in tempo in recent years and became crystallized into a specific proposal for a park along the bay's shoreline of Emeryville, Berkeley, Albany, and Oakland that was presented at a March 29, 1980 meeting in San Francisco of the California Parks and Recreation Commission. At that meeting, nominations for priority park areas were sought for funding under a State Parks bond issue to be presented to the state's voters in June 1980. The bond issue failed to gain approval, but a modified one (California Parklands Act of 1980; SB 624, Nejedly) passed as Proposition 1 on the ballot for the November 1980 general election. On March 13, 1981 the State Parks and Recreation Commission formally recommended that the east bay shoreline proposal be funded with Proposition 1 monies as a "priority-one" project.

Support for the park proposal has been substantial. By April 1982, the Department of Parks and Recreation had received letters of support for the shoreline park concept from the Alameda County Board of Supervisors, the cities of Emeryville, Albany and Berkeley, east bay members of the Legislature and Congress, the Department of Fish and Game, United States Fish and Wildlife Service, BCDC, the East Bay Regional Parks District, and several Bay Area citizen environmental and recreation organizations.

Commencing in August 1981, there have been eight well-attended public meetings dealing with the planning and implementation of the East Bay Shoreline Park proposal. These meetings are summarized below.

PUBLIC MEETINGS AND WORKSHOPSAugust 13, 1981

Meeting with representatives of various interest groups, sponsored by the State Coastal Conservancy.

August 29, 1981

All day public workshop with representatives of various groups, the involved cities, and interested citizens, sponsored by the State Coastal Conservancy.

September 17, 1981

Public meeting held by CALTRANS concerning Interstate 80 between the San Francisco Oakland Bridge and the Carquinez Bridge.

October 29, 1981

Second public workshop with attendance as in prior workshop, sponsored by the State Coastal Conservancy and its consultants, CHNMB Associates.

December 16, 1981

Third public workshop with attendance as in prior workshops, sponsored by the State Coastal Conservancy and CHNMB Associates.

* adapted from "Public Trust Rights and Need in the Albany Baylands", State Lands Commission, October, 1982
and "East Bay Shoreline Report" for the State Coastal Conservancy CHNMB Associates, June, 1982

March 18, 1982

Community workshop wrap-up meeting sponsored by the State Coastal Conservancy and CHNMB Associates.

April 28, 1982

Public meeting in Berkeley by California Department of Parks and Recreation to discuss their "East Bay Shoreline Feasibility Study" and receive public testimony.

June 30, 1982

Public meeting in Albany by the State Lands Commission to receive comment concerning the public trust easement in the area known as the Albany mudflats.

In addition, the East Bay Shoreline Advisory Committee was established to aid implementation of the proposal; Committee members included State Lands Commission staff.

ROLE OF CALIFORNIA DEPARTMENT OF PARKS AND RECREATION

The Department of Parks and Recreation has been involved in the establishment of the Eastbay Shoreline Park since early in the history of the concept. \$4 million in 1980 Proposition 1 funds have been appropriated for the project, which was submitted as Alameda County's highest priority for these park bond monies.

On April 28, 1982 the Department held a public meeting in Berkeley to present its "East Bay Shoreline Feasibility Study" (Ref. 1), which included staff findings and recommendations. Speakers from the audience of over 60 representing state and local government, a large number of citizen organizations and individual citizens expressed unanimous support for the park.

For the Berkeley area, the feasibility study for the entire park envisions land and water uses that include campgrounds, trailer sites, environmental study areas, restaurants, hotels, playground, launching ramps, picnic areas, marinas, automobile parking, an amphitheater, and many trails for pedestrians and horseback riding. In addition, facilities and/or opportunities will be available for fishing, sail and motor boating, and birdwatching.

ROLE OF STATE COASTAL CONSERVANCY

The State Coastal Conservancy conducted three well-attended community workshop meetings in 1981 at which local community leaders, interested citizens, and local, state, and federal agencies developed specific proposals for the shoreline park. Representatives of the major private landowner (Santa Fe) attended the workshops. The Conservancy employed the planning and community participation consultants CHNMB Associates, and economic consultants Theresa Hughes and Associates and Recht/Hausrath and Associates. CHNMB prepared a draft eastbay shoreline report based upon the workshop input that was presented to workshop input that was presented to workshop participants for final discussion in March 1982. The Conservancy's final report: "Eastbay Shoreline Report", distributed in June, 1982 provides the results of the usual citizen-government effort.

Ref. 1: "East Bay Shoreline Feasibility Study (Preliminary)".
Department of Parks and Recreation, State of California,
P.O. Box 2390, Sacramento, CA. 95811 (April 1982).

The report recommends that as much Santa Fe private land as possible be acquired for permanent public open space and for East Bay Shoreline Park use.

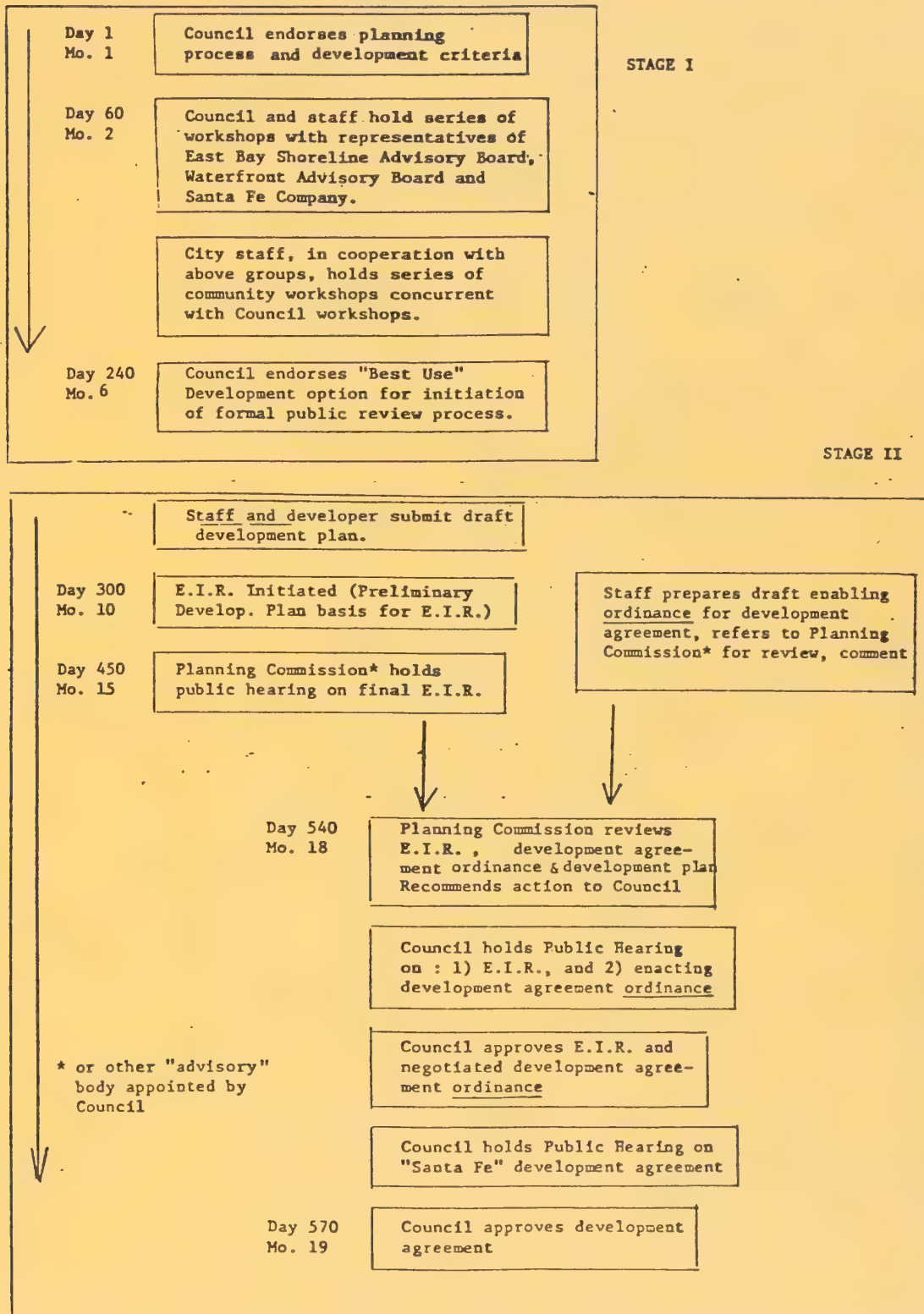
The consensus of the workshops was to allow limited commercial/recreational development and the Berkeley lands "through acquisition and leaseback arrangements or through a combination of direct acquisition and development rights trade-offs, whichever results in the most public benefit".

Such a strategy would provide an alternative to the large amount of State funds that would be required to purchase the "Meadowlands" and the "Brickyard" as well as to free up the State Park and Conservancy funds for park development and other projects on the East Bay Shoreline.

SANTA FE/WATERFRONT LANDS DEVELOPMENT

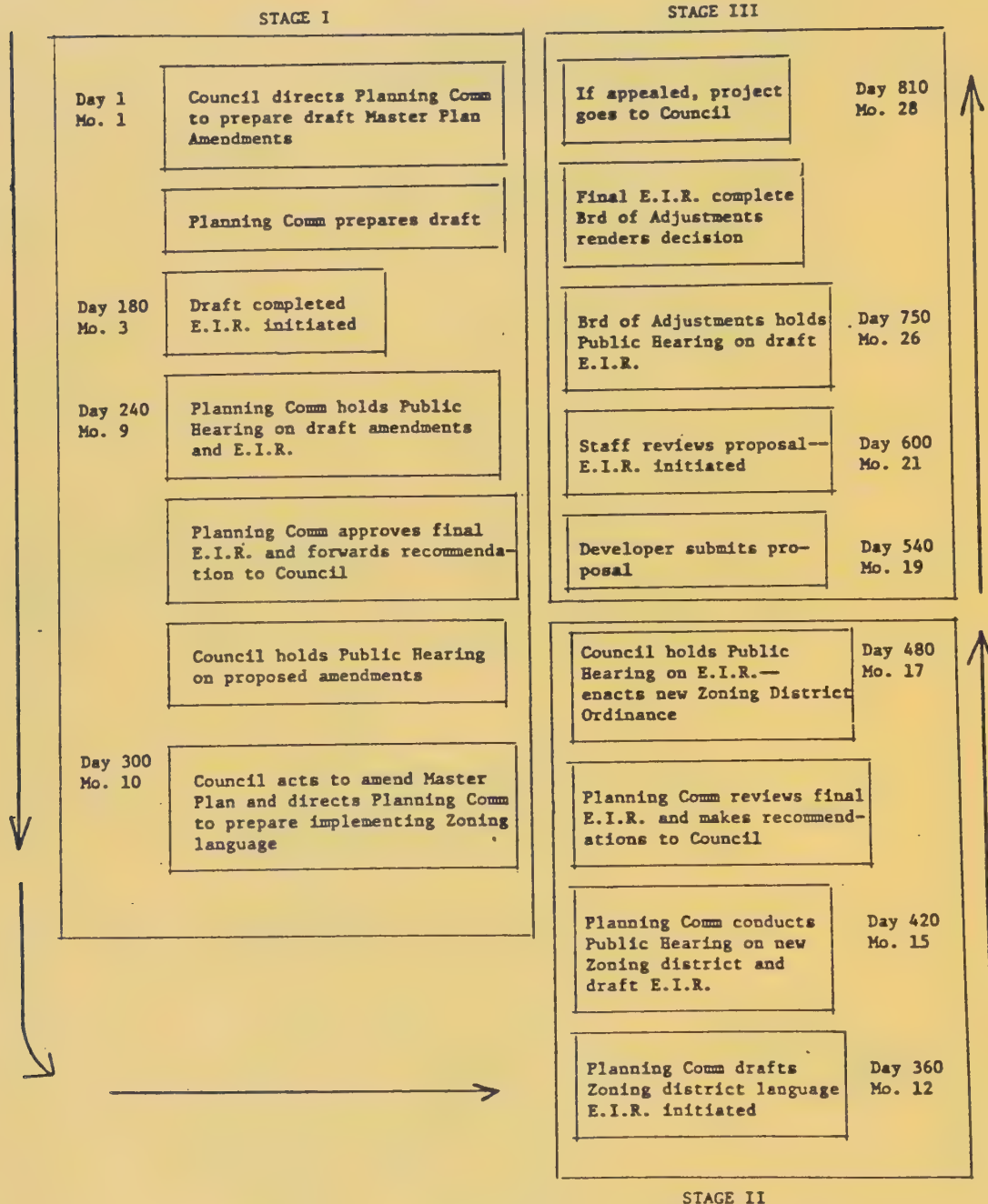
OPTION I

Collaborative Planning Process Leading to Development Agreement



OPTION II

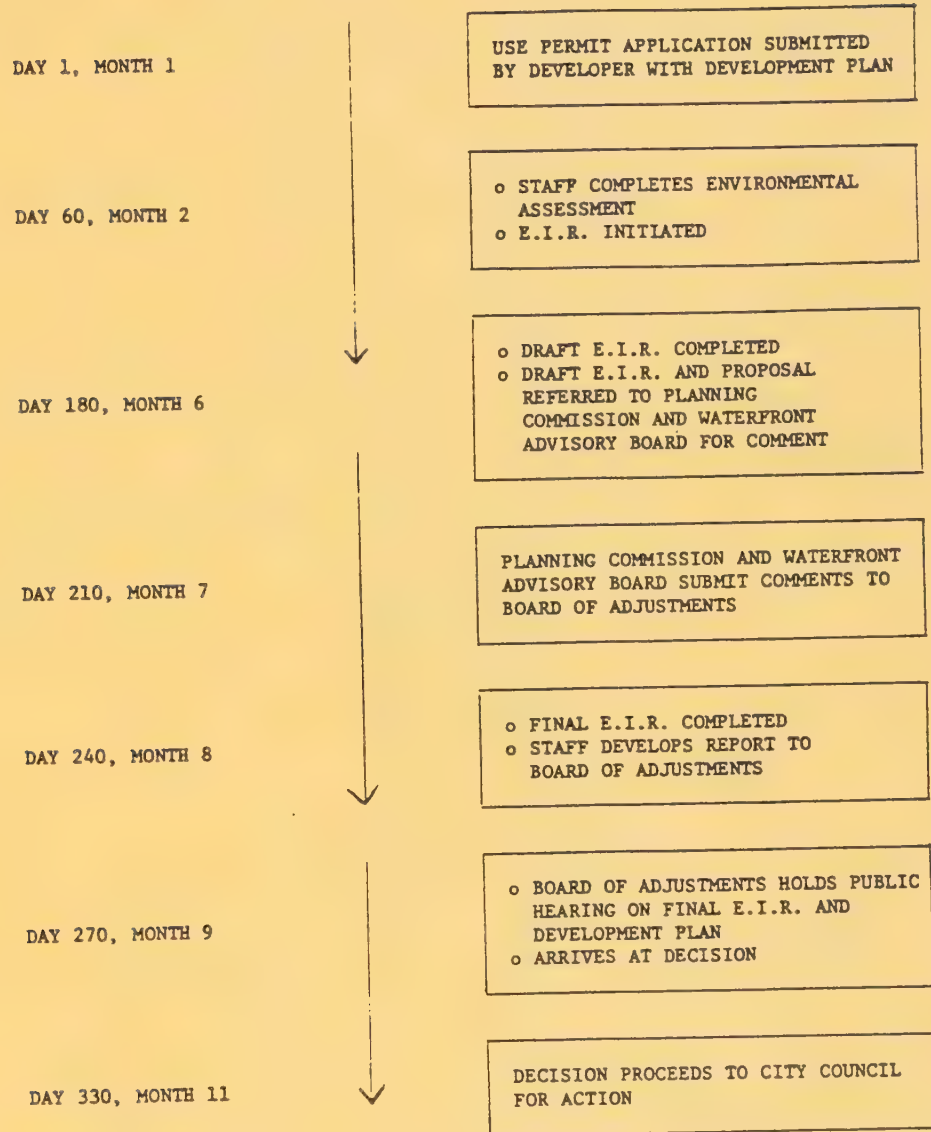
- 1: Master Plan Amendment
- 2: Zoning Reclassification
- 3: Development Plan Submittal Under New Zoning District Guidelines



City of Berkeley
for planning purposes only

OPTION III

USE PERMIT APPLICATION UNDER EXISTING 'U' DISTRICT

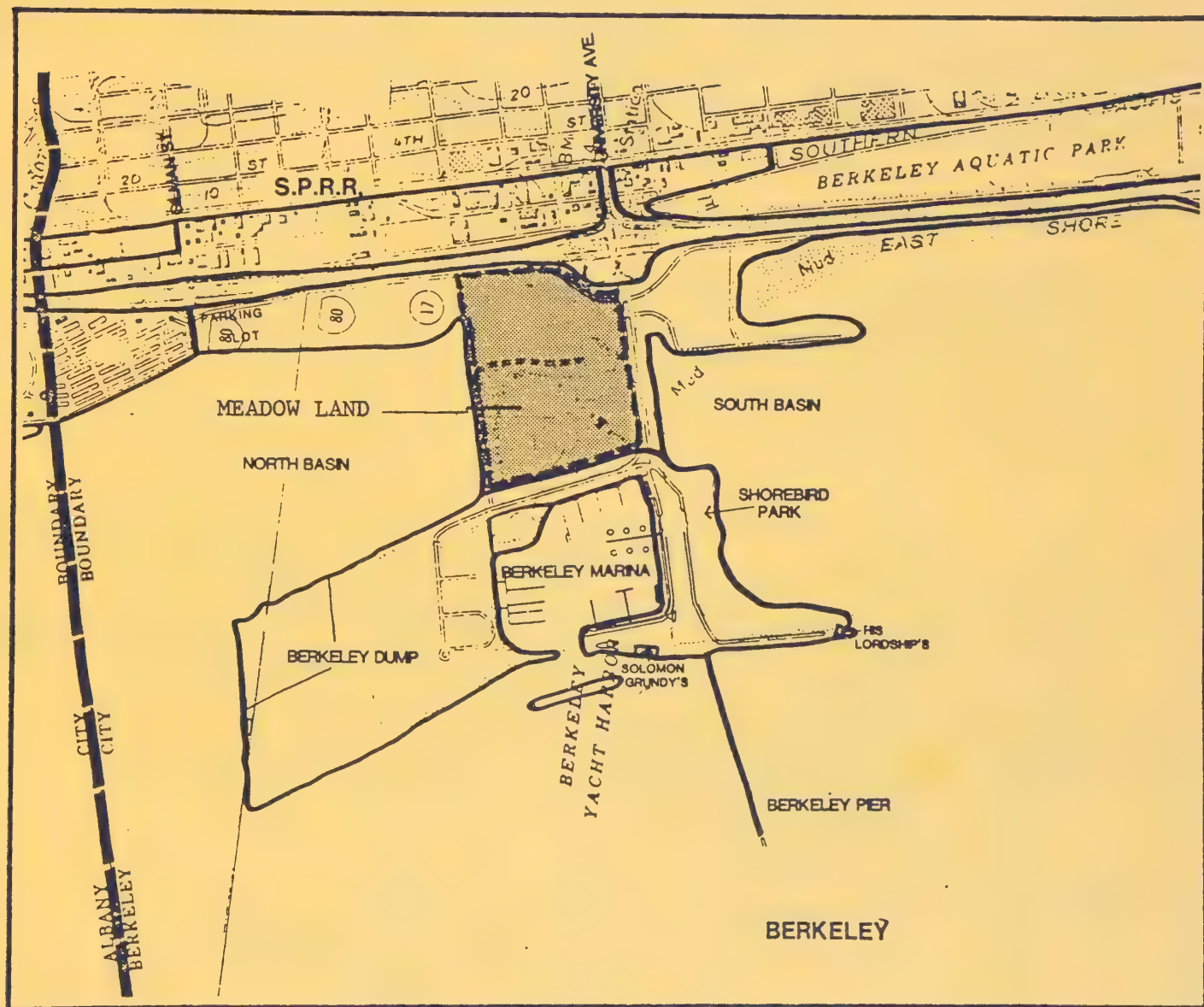


City of Berkeley
For Planning Purposes

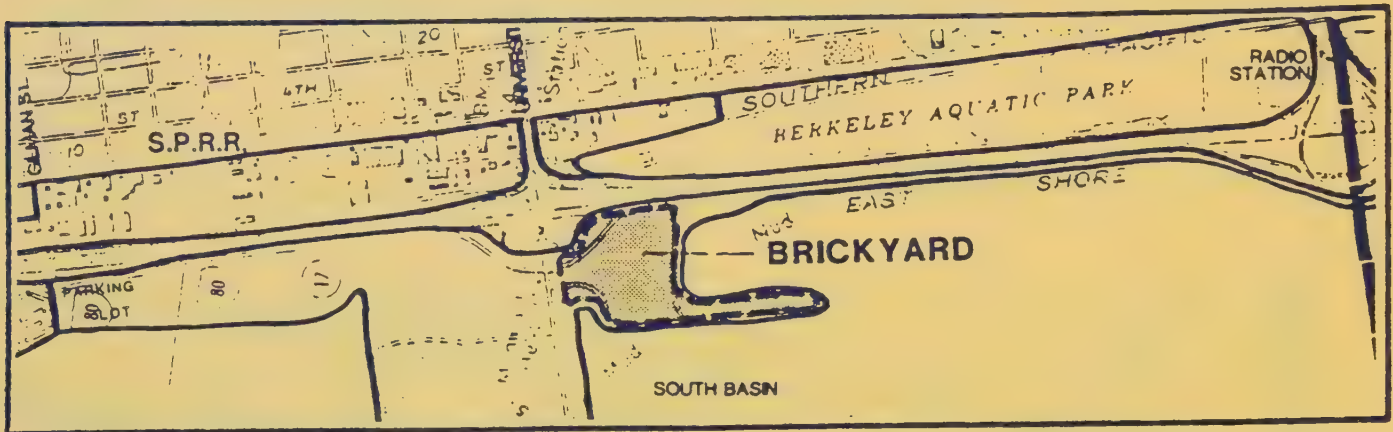
SANTA FE COMPANY LANDS

The three parcels of land illustrated below are the major subjects for land-use designation by the City of Berkeley.

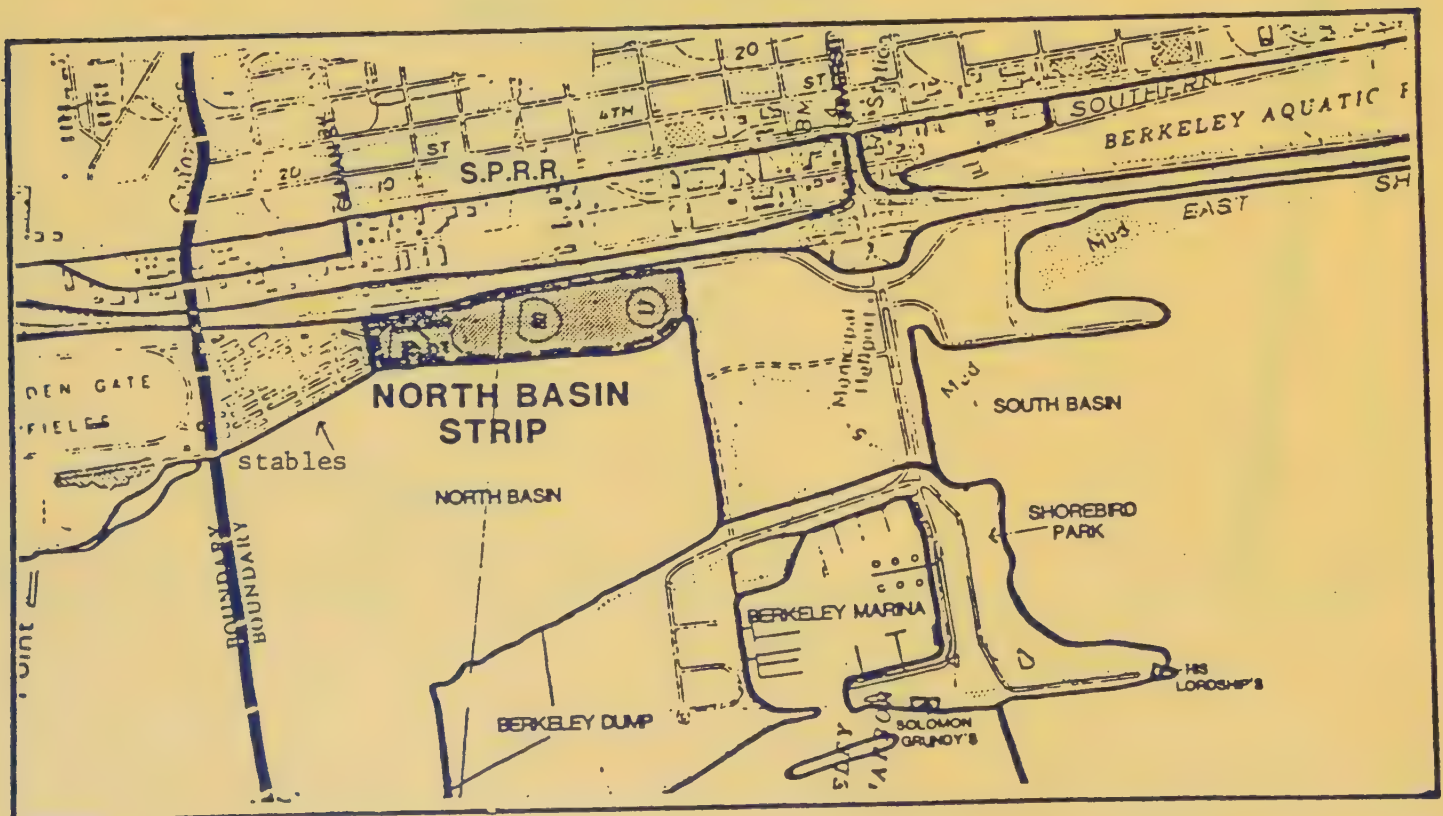
- (1) THE MEADOWS: A 71 acre parcel, located on the peninsula, currently zoned "U" (unclassified). It is an undeveloped site, land-fill over bay mud.



- (2) THE BRICKYARD: A 27 acre parcel, also unclassified, currently used as a dumping ground for bricks and concrete. It is adjacent to the Meadows (north). A small portion of the northeast section of the property is leased to vegetable retailer. The site is undeveloped.



- (3) NORTH BASIN STRIP: A 36.7 acre parcel (16.6 paved parking) used principally as parking for Golden Gate Fields. Located between Virginia St and Gilman St., it is bordered to the north by the Golden Gate Fields stables (29.3. acres) also located within the Berkeley city limits



CHAPTER 13

REGULATIONS FOR U DISTRICTS

Section 13.0. APPLICABILITY OF REGULATIONS.

The following regulations shall apply in all U Districts and shall be subject to the provisions of Chapter 15.

Section 13.1. USES PERMITTED.

All uses not otherwise prohibited by law provided that a Use Permit shall be secured for any use to be established in U Districts.

Section 13.2. OTHER REGULATIONS.

Building height limits, building site area required and yards required shall be as specified in the Use Permit.

Section 13.3. USE PERMIT PROCEDURE.

No application for a Use Permit as required in Section 13.1. hereof shall be considered by the Board of Adjustments until it has first been submitted to the City Planning Commission and a report has been received therefrom, provided that if the Planning Commission shall have failed to report within thirty (30) days after such submission this requirement shall be deemed to have been complied with. The decision of the Board of Adjustments in granting or denying a Use Permit, and any conditions attached thereto by the Board, together with the report of the Planning Commission on the matter, shall be transmitted by the Secretary of the Board to the City Clerk within seven (7) days after the meeting at which said decision is made. No such decision of the Board of Adjustments shall become effective until after action by the City Council as provided in Section 13.4 hereof.

Section 13.4. ACTION BY CITY COUNCIL.

The City Clerk shall present said decision and report to the City Council at its next regular meeting and the Council shall place the matter on the agenda of a subsequent meeting not less than seven (7) nor more than twenty-eight (28) days in the future. The City Council may affirm, reverse, or modify the decision of the Board of Adjustments. In the event that an appeal is taken to the City Council, as provided in Section 20.5(a) or (b) hereof, action on said appeal and review of the decision of the Board of Adjustments may be taken by the City Council at one and the same time.

City of Berkeley



CITY MANAGER'S OFFICE
2180 MILVIA STREET
BERKELEY, CALIFORNIA 94704

(415) 644-6580

CR No. 736

FOR COUNCIL ACTION

April 26, 1983

To: Honorable Mayor and
Members of the City Council

From: Daniel Boggan, Jr., City Manager *DBJ*

Subject: WATERFRONT PLANNING PROCESS

Introduction

The purpose of this report is to provide the City Council with a recommendation for how to proceed with land-use planning for the Berkeley Waterfront.

RECOMMENDATIONS

That Council:

- (1) APPROVE THE PLANNING COMMISSION'S RECOMMENDATIONS (Appendix A) TO DEFER COUNCIL ACTION ON A SPECIFIC PROCEDURE TO DEVELOP AND IMPLEMENT A WATERFRONT PLAN, AND TO PROCEED WITH A SET OF PUBLIC WORKSHOPS, WITH THE FOLLOWING AMENDMENTS:
 - (a) THAT THE CITY MANAGER RETURN TO COUNCIL WITH A STAFF RECOMMENDATION, AND WITH RECOMMENDATIONS FROM THE PLANNING COMMISSION, THE WATERFRONT ADVISORY BOARD AND THE PARKS AND RECREATION COMMISSION, BY JULY 26, 1983, BY WHICH TIME THE WORKSHOP PROCESS OUTLINED BY THE PLANNING COMMISSION WILL BE COMPLETED; and
 - (b) THAT STAFF PRESENT, IN ADDITION TO THE SUBJECTS RECOMMENDED BY THE PLANNING COMMISSION, INFORMATION AT THE WORKSHOPS THAT ADDRESSES THE QUESTIONS AND REQUESTS REFERRED TO THE CITY MANAGER BY THE WATERFRONT ADVISORY BOARD AND THE PARKS AND RECREATION COMMISSION (Appendices B & C)
- (2) DIRECT THE CHAIRPERSONS OF EACH COMMISSION TO ADVISE AND ASSIST, OR APPOINT A DESIGNEE TO ADVISE AND ASSIST, STAFF IN PREPARING FOR THE COMMUNITY AND JOINT COMMISSION WORKSHOPS.

April 26, 1983

Background

On January 11, 1983, the City Council referred to the Planning Commission, the Waterfront Advisory Board and the Parks and Recreation Commission a recommendation by the City Manager to initiate a planning process for determining the future of the privately-owned Berkeley Waterfront properties.

January 11, 1983, City Manager Report

The City Manager's proposal provided for a collaborative planning effort between the City of Berkeley, the Santa Fe Land Improvement Company (the landowner) and other public agencies which might be involved in implementing a waterfront development plan. The recommended process included a series of public workshops to identify planning issues and evaluate alternative development seminars. The workshop series proposed by the Manager was intended to lay the foundation for a detailed development plan principally prepared, and finally submitted to the City of Berkeley, by Santa Fe Company. Following submittal of a proposed development plan, and a draft development agreement between the City and Santa Fe outlining their respective responsibilities for, and the phasing of, plan implementation, the development package would be subject to a comprehensive environmental impact evaluation, Planning Commission consideration, public hearings, and City Council action. The development plan and agreement, if approved by Council, would then, in all likelihood, be subject to a City-wide public referendum.

Board and Commission Review of the City Manager's January 11, 1983 Recommendations

Between January 24 and March 16, the board and commissions held several meetings dealing principally with how to proceed with the Waterfront Planning Process. At each initial commission meeting, staff presented a summary of:

- (a) The history of public planning for the private waterfront properties;
- (b) Council actions to date;
- (c) Current Master Plan policies and zoning regulations; and
- (d) Why, from a legal perspective, it is important to plan for the privately owned waterfront properties.

In addition to the City staff presentation, a representative from the State Coastal Conservancy, Peter Brand, summarized the history of the East Bay Shoreline Advisory Committee's activity related to the Berkeley Waterfront. Mr. Brand offered the assistance of the Coastal Conservancy in facilitating the preparation of a waterfront land-use plan.

At the conclusion of the series of board and commission meetings, each commission submitted to the City Manager recommendations and specific requests for information regarding alternative planning procedures or related issues. (Appendices A,B, and C)

April 26, 1983

How to Plan for the Waterfront:
Major Concerns and Questions Raised
at the Board and Commission Meetings

- 1) Concern. The City needs a more comprehensive set of goals for the use of the Waterfront before anyone prepares a detailed development plan.
- 2) Concern. The City should take the lead in formulating its land-use goals and priorities for the Waterfront.
- 3) Concern. The public should have an opportunity to participate in the land-use planning process through both community workshops and public hearings.
- 4) Question. After goals and priorities are established for the Waterfront, what are the relative strengths and weaknesses of alternative techniques for guiding the preparation of a plan? What procedure or combination of procedures will provide the best results relative to realizing the City's goals?
 - master plan amendments?
 - zoning?
 - specific plan?
 - special area plan?
 - development agreement?
 - other tools?
- 5) Question. Is a formal Master Plan Amendment specifying additional city policies for the waterfront really needed and, if so, when and how should an amendment be prepared and acted upon?
- 6) Question. After a detailed development plan is approved by Council, how can the City guarantee that the plan will be implemented in a timely fashion and as approved?
- 7) Question. Assuming that a Master Plan Amendment is desirable, is it possible under CEQA guidelines to prepare a common EIR for, e.g.:
 - Master Plan Amendment and new Zoning Classification?
 - Master Plan Amendment and Specific Plan?
 - Master Plan Amendment and Development Agreement package?
 - Other combinations?
- 8) Concern. Santa Fe (the landowner) should not play a major role in the preliminary phase of the planning process when the City is determining its land-use goals and priorities for the Waterfront.
- 9) Question. What role should Santa Fe play during subsequent phases of the planning process?

April, 1983

10. Question. Assuming that a shoreline park is one of the major goals and components of a waterfront plan, (a) what role should the various park and coastal agencies play as the planning process progresses; and (b) what are the relative merits of various strategies for developing and managing a shoreline park? (e.g., private and public joint venture development and operation; public acquisition, development and operation; public acquisition, private development and operation; private to public deeds of title, public development and operation; other configurations?)
11. Concern. Each of the three advisory bodies--Planning Commission, Waterfront Advisory Board and Parks and Recreation Commission--should provide a forum for discussion and should make separate recommendations to Council.
12. Question. What is the most effective way to facilitate the three advisory bodies' participation in the planning process? (lead commission? collaborative subcommittees? other?)
13. Question. What role should Berkeley's neighboring jurisdictions play in the local land-use planning process?
14. Question. What will the dollar (\$) cost to the City be for each of the various approaches for formulating and evaluating a waterfront plan?

Berkeley Waterfront Information Day (BWID)

On March 12, the League of Women Voters, Friends of Berkeley Parks, Urban Care, the Council of Neighborhood Organizations and more than one dozen other civic and professional groups sponsored a major information session concerning the Waterfront at Boalt Hall Auditorium on the U.C., Berkeley Campus. Over four hundred (400) people attended the day-long event and heard presentations on:

- the history of the Berkeley shoreline;
- Berkeley's land-use powers and responsibilities;
- legal issues regarding land-use planning;
- CALTRANS plans for Interstate 80 improvements; and
- the comparison of various land-use planning tools: zoning, specific plans, development agreements.

Representatives from State Parks and Recreation, The City of Berkeley, Santa Fe Company and the Coastal Conservancy each reiterated their desire to move forward with the planning process for the privately-owned waterfront properties.

A key point made at the BWID was that other planning tools, aside from those offered in the City Manager's January 11 report might be used effectively, and in combination with each other, in formulating a development plan. Marge Macris, Planning Director of Marin County, suggested that Berkeley consider the option of preparing its own "specific plan." Allan Temko, architectural historian and environmental critic for the San Francisco Chronicle, mentioned the San Francisco Mission Bay Project, for which

April 26, 1983

an innovative approach to plan preparation and evaluation is being employed by the San Francisco Planning Department and Southern Pacific Company.

Overall, the Berkeley Waterfront Information Day reinforced several themes that emerged at the board and commission meetings:

- the desire for substantive community participation in the Waterfront Planning Process;
- the search for creative land-use planning techniques and win/win solutions;
- the desire for public/private and public/public cooperation;
- the inseparable relationship between the Berkeley shoreline and the shoreline of neighboring jurisdictions;
- the possibility of creating a visionary and unique land-use plan for Berkeley's Waterfront.

The BWID also highlighted the supportive role that the various sponsoring organizations can and, hopefully, will continue to play in facilitating community residents' discussion of alternative visions for the future of the Waterfront.

City Manager and Planning Commission Recommendations,
April 26: Products Expected from Phase I

The workshops, commission meetings and staff reports planned for Phase I of the Waterfront Planning Process (Appendix D) are directed toward providing the City Council with recommendations for the following:

- 1) Land-use goals to guide Waterfront development;
- 2) Specific components to consider in preparing alternative development scenarios;
- 3) Phase II: Method for formulating and evaluating a development plan;
- 4) Timeline for Phase II.

In addition, the material provided at the workshops by staff will include responses to specific questions raised by the Waterfront Advisory Board and the Planning Commission (Appendices B and C).

Phase I of the Waterfront Planning Process will be organized and coordinated by City staff with the assistance of Commissioners. Citizen volunteers will also be solicited by staff.

Logistical modifications to the following sequence of Phase I activities will be made, as needed, by staff and commission representatives.

Waterfront Planning Process: Phase I

1. The Community and Joint Commission Workshops - (May 14 - May 28), will cover:

April 26, 1983

- key issues and goals for the Waterfront; and
- suggested components of a plan.

The format of the workshops will include staff presentations, small group discussion and exercises, and large group comment.

The product of the initial set of community and joint commission workshops will be an inventory of community attitudes regarding waterfront issues and goals, and preferences for plan components (e.g., marina berths, convention center, equestrian trails, etc.)

In order to solicit the attitudes of Berkeley residents not attending the Community Workshops, the City Manager will, between May 14 and May 28, release a press announcement inviting residents to submit written comments. A City of Berkeley telephone number will also be given for individuals who wish to call in their preferences by phone.

2. The Santa Fe Information Session - (Week of May 30) will provide the first opportunity for community residents to hear about and review the environmental and economic data collected by Keyser Marston and Hall Goodhue Haisley and Barker, the economic and planning consulting firms representing Santa Fe Land Improvement Company.

The purpose of this session is to provide information to the public.

3. The main topic of discussion for Joint Commission Workshop #2 - (Week of June 13) will be Alternative Methods for Implementing Land-Use Goals. The workshop will include a synopsis of the Master Plan Amendment Process, Specific Plans, Area Plans, Planned Unit Development and other zoning techniques, and development agreements. How various planning tools can work in conjunction to achieve desired land-use objectives will also be discussed. As requested by the Parks and Recreation Commission, staff will provide written materials at this workshop on potential sources, and means of obtaining, acquisition funds for the public purchase of private waterfront property.

The Planning Commission will facilitate the Joint Commission Workshops.

4. Prior to the Board and Commission Review Period - (June 20 - July 15) the City Manager will convey a set of draft recommendations to the Planning Commission, the Waterfront Advisory Board and the Parks and Recreation Commission. Each commission may opt to hold a joint or separate publichearings, establish sub-committee review teams or work jointly to evaluate the City Manager's Phase I recommendations.

In a procedure similar to the one followed in the preparation of this report, commissions will forward their recommendations to the City Manager. The City Manager will then prepare a final report for Council action.

5. At the City Council Meeting - (July 26, tentative), the Council will review the City Manager's and commission recommendations. The City Council may previously decide, or the City Manager may recommend, a public hearing at that time.

April 26, 1983

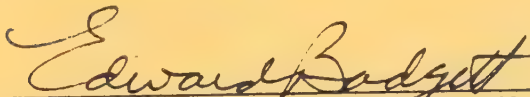
The Council may decide to act, or to delay action until after recess, depending upon the opportunities and circumstances that exist on July 26.

Rationale for Recommendations

The City Manager's support of the Planning Commission's recommendations and the proposed schedule of activities for Phase I of the planning process are based on the following considerations. The recommendations provide for:

- responding to the questions and requests of each commission;
- public dialogue and comment on the substantive areas of land-use goals and priorities;
- a structured and clear public process which will increase the likelihood of timely and informed recommendations;
- a limited, yet significant, set of product objectives for Phase I, enabling Council to initiate the planning process;
- an opportunity for active City Council participation in the Community and Joint Commission Workshops; and
- an opportunity for the Santa Fe consultants to present information to the public and for the public to dialogue with the Santa Fe representatives.

The recommendations of this report, to be discussed by Council at its April 21, Workshop, will appear as a City Manager Report for Action on the City Council Agenda of Tuesday, April 26, 1983.



EDWARD BADGETT, Assistant City Manager
Planning and Community Development Department

08-02

Attachments (4)

CITY OF BERKELEY



PLANNING COMMISSION
2180 MILVIA STREET

BERKELEY, CALIFORNIA

(415) 644-6534
94704

CR - 736

FOR COUNCIL ACTION

April 21, 1983

To: Honorable Mayor and
Members of the City Council

From: Planning Commission

Subject: WATERFRONT PLANNING PROCESS

Background

On January 11, the City Council referred the City Manager's Report on Waterfront Planning to the Planning Commission, Recreation Commission and Waterfront Advisory Board.

RECOMMENDATION

On March 16, the Planning Commission received the report of the Ad Hoc Subcommittee appointed at the previous meeting. The Planning Commission unanimously (Edwards absent) approved the recommendations of the subcommittee that the:

CITY COUNCIL DEFER ACTION ON THE CITY MANAGER'S RECOMMENDATIONS CONCERNING SELECTION OF A SPECIFIED PROCEDURE TO IMPLEMENT A WATERFRONT PLAN TO OCTOBER 15, 1983 WHEN THE WORKSHOP PROCESS PROPOSED WILL HAVE BEEN COMPLETED.

The complete text of the Planning Commission action is attached.

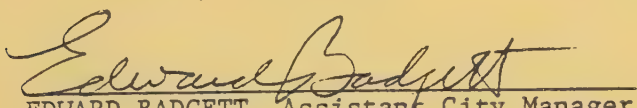
Discussion

On February 2, 1983, the Planning Commission discussed the Manager's report and activities to date with City staff from the Planning and Community Development, Legal and City Manager Departments and with representatives of the Coastal Conservancy, and the East Bay Shoreline Committee. The Planning Commission deferred any action until after the scheduled joint meeting of the Waterfront Advisory Board, Recreation Commission and Planning Commission February 14.

April 21, 1983

On March 2, the Planning Commission considered again the Waterfront Planning Process. City staff and a representative of the Santa Fe consultants discussed their interest in working toward a development agreement. Both agreed on the importance of public workshops to get out information on the site, explore issues, and define goals and objectives. Following the discussion, President Bonno appointed himself and Commissioners Gleason and Parfrey to prepare recommendations for Planning Commission consideration at their next regular meeting.

APPROVED BY:


EDWARD BADGETT, Assistant City Manager
Planning and Community Development

Attachment

08-02

CITY OF BERKELEY



WATERFRONT ADVISORY BOARD

(415) 644-6371

201 UNIVERSITY AVENUE

BERKELEY, CALIFORNIA

94710

FOR COUNCIL ACTIONMarch 15, 1983

To: Honorable Mayor and
Members of the City Council

From: Waterfront Advisory Board

Subject: WATERFRONT PLANNING PROCESS

At the regular monthly meeting of the Waterfront Advisory Board, the Waterfront Planning Process was discussed at length. Upon motion by Betty Croly, seconded by Larry Orman, and carried unanimously (Aye: Bennett, Croly, Huth, Isenberg, Orman, Segesta, Shirek; No: None; Absent: Carr, Jordan), the following recommendations were made:

RECOMMENDATION

That the following timetable be forwarded to the City Council, and Council direct staff to move to this timetable:

1. March 18, 1983 - Comments of Boards and Commissions to staff.
2. April 8, 1983 - Revised City staff recommendations to Boards and Commissions.
3. April 21, 1983 - Joint public hearing on the recommendations.
4. Early May, 1983 - Final staff recommendations and final comments from Boards and Commissions.
5. Early May, 1983 - Council public hearing.

That staff prepare details of the General Plan Amendment to the equivalent calibre of that received on the Negotiated Development Process; that staff revise and come back to the Boards and Commissions with the option of having a General Plan Amendment first - with policies, then with community workshops, and then determine the implementation process; that the City Attorney be requested to advise staff on the possibility of a common EIR for both the General Plan and Implementation Process, whichever is selected.

In addition, staff should be made acquainted with any acquisition background; legal or regulatory issues; revenue and job information; and any general thoughts on how the workshops would be structured.

The results of the recommendations should be referred back to the City Council and the three advisory boards - Parks and Recreation Commission, Planning Commission and Waterfront Advisory Board.

Chuck Roberts

Chuck Roberts, Secretary

REPORT AND RECOMMENDATIONS OF THE PLANNING COMMISSION
SUBCOMMITTEE ON WATERFRONT PLANNING PROCESS

A sub-committee composed of President Bonno and Commissioners Gleason and Parfrey met on March 14 and March 16 to develop the following recommendations to be forwarded to the City Council regarding waterfront planning process:

1. The City Council should defer action on the City Manager's recommendations concerning selection of a specified procedure to implement a waterfront plan to October 15, 1983 by which time the workshop process outlined below will have been completed.
2. The Planning Commission will sponsor, together with the Waterfront Advisory Board and the Parks and Recreation Commission, a series of public workshops to be administered by the City Manager's Office in order to identify, discuss and to set priorities among planning issues and goals for the waterfront. Such discussion will specifically include existing Master Plan policies, proposed staff recommendations for additional Master Plan policies, and other specific objectives as may be identified.
3. The public workshops shall also include, prior to September, 1983, a review of alternative land use components for the waterfront including a preliminary analysis of costs and benefits to the City of each such land use components.
4. Workshops are to be scheduled no less than once per month beginning in April, 1983 and ending in September, 1983.
5. In order to enable the three commissions and boards to make their own recommendations, at the conclusion of the public workshop in September, 1983, a staff report will be prepared and the Planning Commission will conduct a joint meeting with members of the Waterfront Advisory Board and Parks and Recreation Commission. The staff report shall in addition to recommendations summarize and analyze the progress made at the workshops.
6. The Planning Commission will act on the staff report and transmit to the City Council recommendations regarding planning goals and priorities for the waterfront.
7. The Planning Commission will also make a companion recommendation to the City Council regarding implementation procedures to realize the recommendations.

March 16, 1983

City Of Berkeley



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MAR 8 1983

(415) 644-6530

PARKS AND RECREATION COMMISSION
2180 MILVIA STREET BERKELEY, CALIFORNIA 94704

MEMORANDUM

CITY MANAGER'S OFFICE

To: Daniel Boggan, Jr., City Manager
Edward Badgett, Assistant City Manager,
Planning and Community Development Department

From: Parks and Recreation Commission

Subject: WATERFRONT PLANNING PROCESS

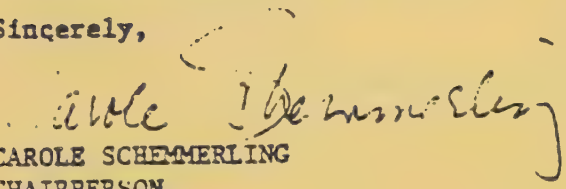
We are unable to make specific recommendations concerning your memorandum of January 11, 1983 to the City Council because of insufficient information. The Commission's consensus is that the thrust of your presentation has been overweighted on the side of the negotiated development agreement, and that insufficient attention has been given to the plan amendment or planning process, as well as your options 2 and 3. We therefore request the city staff to provide the following requested information:

1. Full exploration of acquisition options for the waterfront: state park funds, federal funds, private funds, land trust, bonds, and any other source of funding.
2. Full exploration of legal options: the city's legal obligation to develop waterfront properties, total examination of zoning for open space and recreation, and zoning for commercial development.
3. Identify the significant issues and goals in waterfront planning for Berkeley: revenue to the city, jobs, density of development in relation to open space, architectural design, specific land uses, ratio of private to public improvements, desirable land uses.
4. What are the city's costs for implementing any of the options?
5. How are community workshops to be structured?: who is in charge of the community workshops, are the workshops to be informational meetings to discuss objectives and planning criteria, or to discuss development?
6. (a) Full development of the implementation of Options 2 and 3, to include an amended master plan, with appropriate zoning. (b) Update Option 1 to include a plan amendment and zoning.

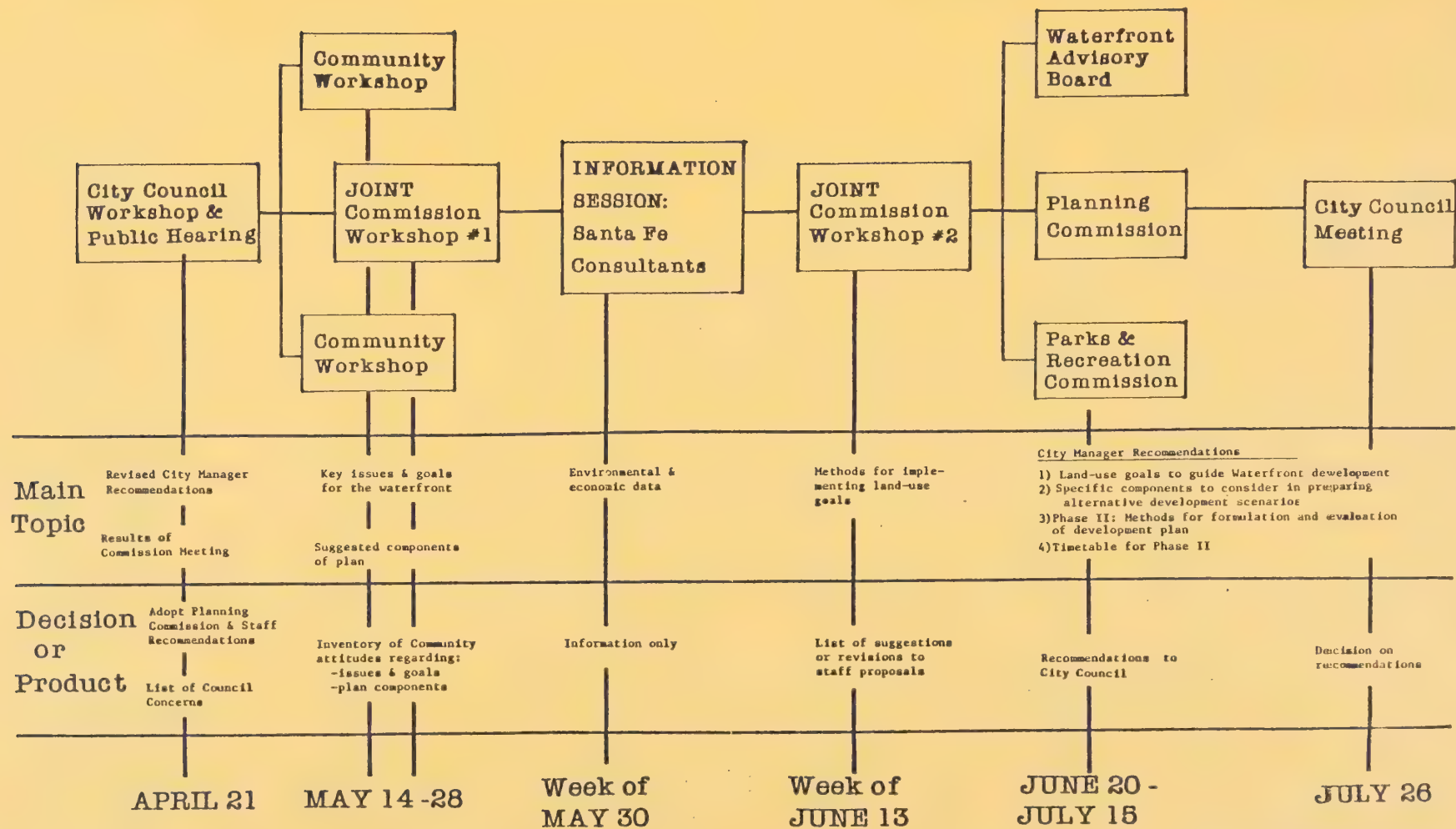
Waterfront Planning Process

After the Commission has studied the new material, we would want a second joint commission meeting as a public hearing. We would then make our recommendation to the City Council and City Manager, and request the City Council to hold a public hearing in which these new considerations would be thoroughly discussed. We assume that the Waterfront Advisory Board and the Planning Commission will have made their separate recommendations prior to the City Council's public hearing.

Sincerely,


CAROLE SCHEMMERLING
CHAIRPERSON

Waterfront Planning Process: Phase I



PHASE I ACTIVITIES AND COSTS

Activities

1. Community Workshops #1 - Issues and Goals

In June, two community workshops were held to solicit community participation in the waterfront planning process at the South Berkeley Senior Center and at the West Berkeley Senior Center. Approximately 100 persons attended one or both workshops.

Following introductory presentations by the Waterfront Steering Committee and staff, participants divided into groups of six to ten persons to identify first issues to be considered in waterfront planning and goals for use of the waterfront.

Exhibit I brings together and categorizes the goals and issues identified. They have not been combined or edited so duplications occur.

Following the community workshops, a City Council-Board and Commissions workshop was held. At this workshop a set of "consensus" goals were evaluated. This evaluation and additional comments are listed in Exhibit 2.

2. Community Workshop #2 - Land Use Policies

In July, two community workshops were held at the South Berkeley and North Berkeley Senior Centers to obtain input regarding land use policies for the waterfront. The technique used was to have a small group actually put together sketch land use plans. Some groups and individuals proposed land uses on large or small maps. Others worked on written land use policies. Staff refined the results of the workshops into a set of land use policies (see Exhibit 3). In addition, staff prepared a comprehensive list of uses and asked the workshop participants to evaluate them. The results of this survey are included in Exhibit 4. Approximately 75 persons attended one or both of these workshops.

The land use policies assembled by staff were used as the basis of discussion for the second City Council/Commission workshop. Council members were asked to rate each of the policies to provide guidance to staff in their efforts to develop a refined set of policies. The comments following the group workshops are included in Exhibit 5.

3. Informational Meetings

a. Santa Fe

On July 7, 1983, Santa Fe presented information on their activities with respect to the waterfront. Their report covered an environmental reconnaissance covering climate, air quality, geology, hydrology, ecology, archeology, utilities, noise, and visual factors. They also

spent time on a generalized market analysis and possible fiscal benefits to the City. A final report dealt with their findings on employment issues and opportunities. A summary of their findings is located in Exhibit 6.

b. Community Information Session

On Monday, July 18, 1983, an additional information session was held. City staff reported on the planning activities of local and regional bodies. Representatives of the State Coastal Conservancy and the State Parks Department reported on their activities. This was followed by representatives of some 15 organizations who represented their programs and recommendations for the Waterfront. A summary of these presentations are located in Exhibit 7.

Costs Associated with Phase I

Council requested information on costs with the Phase I planning process. Since April 26, 1983, Phase I planning has cost the City approximately \$35,400. A cost breakdown follows:

Salaries	\$32,750
Rental of Senior Centers	150
Material	800
Duplication	800
Mailing	900
Total	\$35,400

ISSUES

Waterfront Planning-Community Workshop #1

Wednesday, June 1, 1983

Saturday, June 4, 1983

A. ACCESS/TRAFFIC

- 1) Detrimental effects of freeway, (especially Aquatic Park) noise & aesthetics
- 2) Traffic, parking and circulation
- 3) Optimal development and access to specialized recreational resources
- 4) Pedestrian bicycle access to shoreline and area
- 5) Potential to slow down freeway traffic
- 6) Potential for tunnel freeway
- 7) How to provide/encourage alternative transit
- 8) ACCESS
 - Continuous connection along waterfront
 - Connection to upland community (bicycle - ped. - wheelchair - auto?)
 - public transportation & different age groups
- 9) Make certain much of land is off-limits to motor vehicles, so can sit in peace somewhere
- 10) Concern that foot/bike/public transit access to area is well planned for key factor to use of site -- don't want all people to drive there
- 11) Public access to shoreline and waterfront
- 12) Handicapped accessibility
- 13) Parking and Transportation issues, including peak hours
- 14) Control of traffic
- 15) Public access
- 16) Adequate parking
- 17) Minimum parking -- shuttle bus
- 18) Caltrans I-80 expansion
- 19) Pedestrian access to waterfront
- 20) Traffic congestion and traffic control, movement of goals? (type of traffic, how one gets there? how one gets around down on the waterfront)

ISSUES

A. ACCESS/TRAFFIC

page two

- 21) Access to waterfront
- 22) What types of development will enable public access
 - access means to park and throughout park
 - round the clock use of area
- 23) ACCESS
 - pedestrian/raised highway
 - vehicle
 - public transit
 - disabled
 - traffic and parking
 - work with Caltrans
- 24) I-80 barrier
- 25) Access to shoreline
- 26) Access to waterfront from Berkeley
- 27) I-80 barrier opp. of Caltrans
- 28) Access to shoreline
- 29) Uses not requiring parking

ISSUES

Waterfront Planning-Community Workshop #1
Wednesday, June 1, 1983
Saturday, June 4, 1983

B. GENERAL

- 1) Level of public input in planning process & how representative of Berkeley population
- 2) How can waterfront reflect the heart of Berkeley
- 3) Clarify previous history (early '70s) of Commission and other group recommendations re: waterfront (process)
- 4) Need definition of state requirements re: land abutting water (land within 100' must be kept accessible to public?) -- BCDA restrictions -- Deed Berkeley beach to public right now?
- 5) Uniqueness of site and its role in future of Berkeley and region
- 6) How does planning relate to social and economic values in Master Plan?
- 7) How do we involve minorities in planning process? long and short term
- 8) What is "economic development?" state, city, private? Asilomar-type commercial?
- 9) Area of concern: meadow, brickyard, north basin strip
- 10) Definition of terms, -e.g., "Parks," "Development"
- 11) Treatment of Berkeley's "Front door" -- unique waterfront
- 12) Image of Berkeley reflected in waterfront?
- 13) Public Notice and participation

ISSUES

B. GENERAL

page two

- 14) How does waterfront planning fit into City Master Plan
-- how will development effect downtown
- 15) Phased planning -- allow for flexibility
- 16) Scenic, aesthetic concerns

ISSUES

Waterfront Planning-Community Workshop #1

Wednesday, June 1, 1983

Saturday, June 4, 1983

C. REGIONAL CONTEXT

- 1) How to relate to Albany and Emeryville
- 2) CHARACTERISTICS OF PARCEL
 - Bay Area resource
 - Local focus v. regional focus
 - Relationship to Emeryville and Albany
- 3) Need information session of what Albany and Emeryville are planning for their waterfront lands; also information sessions by State Parks and Recreation and Coastal Conservancy (process) (goal: full info)
- 4) How does waterfront planning fit in with rest of Berkeley region?
- 5) Recognition of neighboring cities -- regional park concept
- 6) Recreational activities water-related (passive & active) types?
- 7) Relationship to the other regional parks and the Aquatic Park
- 8) Breadth of appeal -- local, regional, State-wide attraction -- how much tourism?

ISSUES

Waterfront Planning-Community Workshop #1

Wednesday, June 1, 1983

Saturday, June 4, 1983

D. USES/ECONOMIC DEVELOPMENT/JOBS

- 1) Benefits of housing
- 2) Appropriate land use intensity
- 3) Identifying areas for development and non-development
- 4) How to insure that development maintains diversity
- 5) Consideration that climate may limit types of activities
- 6) How to encourage both adult and children's activities
- 7) How to return Angel Island and San Francisco Ferries
- 8) Economic development necessary? other funding types of jobs?
land uses
- 9) Compatibility with values of the area housing. Intensity (concentration)
of development
- 10) No retail uses that are regional market-oriented (no Pier 39!) or regional
shopping center
- 11) Uses should be appropriate to marine environment
- 12) What will be environmental impact of any development? how much park-type
development can be justified
- 13) Need something other than marina and north park in meadow to round out
recreation opportunities
- 14) Role "transfer development rights" might apply to waterfront -- let Santa
Fe transfer development rights to Ashby BART station (air rights owned
by City) -- this would do much more for city economy than anything
at waterfront
- 15) But amendment may not be specific enough to outline what owner can
do with the land?
- 16) View preservation should be top priority for any development!
- 17) No development that would restrict views
- 18) Consideration of commercial development along north basin strip
to act as buffer along freeway
- 19) Open space preservation including flora/fauna
- 21) Affordability (recreation, restaurants, or whatever is there)

ISSUES

D. USES/ECONOMIC DEVELOPMENT/JOB

page two

- 22) Commercial development: how much and what kind? jobs for whom?
- 23) Housing? How much -- what kind for whom (prices)?
- 24) Office development?
- 25) Fishing or other commercial/industrial or recreational uses
- 26) What kind of recreational development? (active v. passive use)
- 27) Educational possibilities -- nature, school groups, study of ecology
- 28) Jobs: will issue be integral part of planning process? Will jobs be for Berkeley residents? Entry level emphasis for target groups?
- 29) Concern with food served if have restaurants: health food, range of incomes served
- 30) Not losing opportunity for state park
- 31) Preservation of existing water area
- 32) Public recreation/public or private
- 33) Self-supporting activities
- 34) What kinds of commercial development
- 35) Historical, cultural, educational activities
- 36) Open space and closed areas
- 37) Sport facilities
- 38) Ecological sensitive areas
- 39) Access of development to a diversity of small entrepreneurs
- 40) Jobs and affordable housing
- 41) How will development complement No. dike park
- 42) How to keep jobs generated in Berkeley and with Berkeley residents
 - what types of development create these jobs for unemployed
 - what job training programs can be generated?
- 43) How much should be left open, undeveloped
 - need for good design of any development
 - integrate with natural elements

ISSUES

D. USES/ECONOMIC DEVELOPMENT/JOBS page three

- 44) Improve image of existing Marina
 - make water more visible
 - tie Marina to anything
 - engage people with water
 - Berkeley's front door -- create gateway
- 45) Affordable restaurants/cafes
- 46) JOBS: how many; for whom (Berkeley residents?); type; relationship to other parts of Berkeley; water-related jobs (fishing, aquaculture); boats; building the pier
- 47) Housing
- 48) Recreation
 - structured
 - unstructured
 - theme park that expresses something unique about Berkeley
 - energy slide "instead of water slide"
- 49) Multipurpose value
 - linkage "bridge" to U.C. (marine research)
 - education
 - cultural/historical museums
- 50) Ration Built:unbuilt
- 51) Economic Development
 - jobs (who, what kind?)
 - revenue to city
 - rel. of \$ to Berkeley and Reg.
 - possibles for bup/priv
- 52) Use
 - amount
 - type of access
 - schedule; when
- 53) Type of use
 - housing
 - public
 - rec.
 - commercial
- 54) Econ. development on waterfront
- 55) Rec, facilities, esp. swim
- 56) Possible of housing
- 57) Amt. of structural development
- 58) Jobs: what kind? How link to improvement?
- 59) Econ. development: jobs: revenue: rel of waterfront Berkeley \$

ISSUES

D. USES/ECONOMIC DEVELOPMENT/JOBS

page four

- 60) Use -- amount, type of access, transport; schedule, rhythm of use
- 61) Mixed use -- some commercial
- 62) Primary recreation and open space
 - jobs can be achieved
 - Convention Center ex: not a big "parking producer"
 - high tech not realistic as a jobs producer
- 63) Conference Center
 - U.C. connection -- type
 - overflow hotel accommodations to be provided off-site
- 64) Jobs: high priority
 - some business participation
- 65) Commercial development could perhaps be limited to strip closest to I-80 (services, hotels)
- 66) Environmental Center
- 67) Water-related recreational uses
- 68) Tourism
- 69) Youth athletic facilities -- soccer, baseball, for Berkeley youth

ISSUES

Waterfront Planning-Community Workshop #1
Wednesday, June 1, 1983
Saturday, June 4, 1983

E. POPULATION SERVED

- 1) Aim of population served (city, region, world)
- 2) How to distinguish between tourist attraction and natural attraction
- 3) How well plan reflects needs and desires of local community
- 4) Concern over what impact an influx of waterfront-tourists may have on the rest of the City. How to get "happy medium" where some tourists may come, but not be detrimental. Minimize nuisance of crowds at waterfront.
- 5) User groups: recreation for whom? (Youth-Seniors-Handicapped)
- 6) Tourism? How much?
- 7) Increasing number of middle class professionals and loss of some segments of population
- 8) Who uses area
- 9) Local use vs. outside tourist use (what is local?)
- 10) How to keep any jobs generated in Berkeley and with Berkeley residents
 - what types of development create these jobs for unemployed
 - what job training programs can be generated
- 11) Should attract a diversity of people
- 12) Socio-Economic, preserving diversity
 - preserving for families
 - preserving for ethnic diversity
- 13) The kind of business that caters to the Berkeley community
- 14) Use for all segments of Berkeley

ISSUES

Waterfront Planning-Community Workshop #1

Wednesday, June 1, 1983

Saturday, June 4, 1983

F. CONTROL/OWNERSHIP

- 1) Whether or not public ownership advantageous
- 2) Public vs. private ownership
- 3) Control? Berkeley, state, regional
- 4) Should Berkeley give up local jurisdiction for regional park
- 5) How to keep public and private interests in balance and in cooperative way
- 6) Ownership of development
 - city vs. private
 - joint-development
- 7) Ownership of the land
 - should the public buy it from Santa Fe
 - who would maintain
- 8) Acquisition for rec. or other use

ISSUES

Waterfront Planning-Community Workshop #1
Wednesday, June 1, 1983
Saturday, June 4, 1983

G. REVENUE/COSTS

- 1) Revenues for Berkeley
- 2) Concern over who's going to pay for acquisition and maintenance of waterfront (goals: city secure financial help for acquisition)
- 3) Generate revenue
- 4) Revenue to city -- net benefit to city
- 5) Maintenance costs
- 6) Maintenance
- 7) How can and should the waterfront affect city revenues
- 8) Tax revenues: rate of returns;
-- housing: prob. cost of what we'd want; but poss. if given off-site rights elsewhere
- 9) Asilomar
-- nets Pacific Grove \$250,000 plus something in sales tax and other business
- 10) Possibility of revenue and jobs for City?
- 11) Link of \$ on waterfront to city as a whole

ISSUES

Waterfront Planning-Community Workshop #1

Wednesday, June 1, 1983

Saturday, June 4, 1983

H. LAND USE REGULATIONS

- 1) Types of land use controls
- 2) Coverage and height of structures
- 3) Appropriate scale of development
-- building height, type, density
- 4) Height of buildings

ISSUES

Waterfront Planning-Community Workshop #1

Wednesday, June 1, 1983

Saturday, June 4, 1983

I. RELATION TO OTHER BERKELEY AREAS

- 1) Danger to Berkeley's non-traditional economic development (i.e. co-ops, etc.) of traditional development
- 2) How to insure that right kind of development for waterfront goes there (vs. downtown, S. Berkeley, etc.)
- 3) What effect any development has on City-wide economic development attempts
-- certain uses would directly enhance City e.d., while other uses might compete with other city areas
- 4) Office space? Impact on downtown? other areas (S & W Berkeley)
-- competition?
- 5) Competition among developing areas, esp. S. Berkeley
- 6) Relationship of waterfront to city downtown and adjacent industrial area
- 7) Waterfront in context of city-wide needs
- 8) Is there something that could happen on the waterfront that could not happen elsewhere in the city
- 9) Neighborhood impact on W Berkeley, Ocean View
-- local and regional impact
- 10) Access related to U.C. and City

ISSUES

Waterfront Planning-Community Workshop #1
Wednesday, June 1, 1983
Saturday, June 4, 1983

J. DESIGN

- 1) Awareness of appropriate design for any development
- 2) Can structures serve as buffer between freeway and recreational areas
- 3) Need "hospitable structure" widely accessible to all kinds of visitors
-- need "people's country club" there -- reasonably priced food
- 4) Visual access to bay important
- 5) Avoid "Emeryville:" issues bay shore image
- 6) Structures and activities should integrate community, bring people together, not isolate people
- 7) Relative proportion of open space and structures
- 8) Types of structures? If any?
- 9) Type of landscaping
- 10) How much should be left open, undeveloped
-- need for good design of any development
-- integrate with natural elements
- 11) Architectural design -- constraints, building heights, appropriateness to site, liquefaction of soil, cost, retention of views including view corridor
- 12) Landscape design
- 13) Landscaping
- 14) Preservation of scenic views
- 15) Design review process
- 16) Maintain beauty of gateway
- 17) Comprehensive design for waterfront
- 18) Aesthetic design of site and buildings
- 19) Preservation of views and natural resources

ISSUES

Waterfront Planning-Community Workshop #1

Wednesday, June 1, 1983

Saturday, June 4, 1983

L. SAFETY

- 1) Possible incursion of organized crime
- 2) Threat of earthquake & resulting liquefaction preclude development
- 3) How to keep waterfront from being area of heroin importation
- 4) Concern re: seismic safety -- danger of flooding, tsunamis

ISSUES

Waterfront Planning-Community Workshop #1

Wednesday, June 1, 1983

Saturday, June 4, 1983

M. ENVIRONMENTAL IMPACT

- 1) Bay fill? or reverse -- more salt marsh or H₂O
- 2) Control of pollution
- 3) Environmental Impact on bay
- 4) Environmental protection?
- 5) Quality of waterfront environment
- 7) What will it look like in 10, 15, 20 years?

ISSUES

Waterfront Planning-Community Workshop #1
Wednesday, June 1, 1983
Saturday, June 4, 1983

N. IMPLEMENTATION

- 1) How to maximize state funding for public acquisition
- 2) How to get Santa Fe to agree to lowest possible price for land
- 3) Can plans be implemented?
- 4) Resources available for implementing plans
- 5) Concern over who's going to pay for acquisition and maintenance of waterfront (goals: city secure financial help for acquisition)
- 6) Plan for waterfront should be Master Plan amendment to take into account benefits/costs to city and would give state clear indication of land value (make amendment specific enough to allow this)
- 7) Financing -- how pay for it?
- 8) Planning process: use of Master Plan amendment? Question of negotiated development? Specific plan option? Who is responsible? Lead Commission
- 9) Possibility of \$ for acquisition for rec.

GOALS

Waterfront Planning-Community Workshop #1

Wednesday, June 1, 1983

Saturday, June 4, 1983

A. ACCESS/TRAFFIC

- 1) Provide maximum public access to waterfront -- pedestrian and bicycle access
- 2) Minimize parking impact
- 3) Integrate Aquatic Park into waterfront by elevating freeway
- 4) Linkage between east and west of freeway
- 5) Minimum incursions and impact of I-80
- 6) Limit automobile access
- 7) Public access to water (as distinct from shoreline)
- 8) Re-designed freeway offramp as appropriate "Gateway to Berkeley"
- 9) Have access by public transit, bikes, pedestrian & handicapped including ferries
- 10) Access to waterfront development by other than car should be a priority
- 11) Promote tourism that requires minimum parking and pollution
- 12) Public transit access encouraged
- 13) Coordinate freeway access problems early with Caltrans
- 14) Preserve public access to shoreline
- 15) Elevated freeway with pedestrian access
- 16) Public access to all of natural shoreline
- 17) Improve enjoyment of shoreline -- accessways, foot and bike trails
- 18) Shoreline should be accessible and open and free of development
- 19) Minimize traffic or noise -- separate car traffic from development
- 20) Provide shuttle to various activities to minimize space devoted to parking
- 21) Have developers provide shuttles
- 22) Improve access to Marine -- work with Caltrans, AC transit and BART

GOALS

Waterfront Planning-Community Workshop #1
Wednesday, June 1, 1983
Saturday, June 4, 1983

B. GENERAL

- 1) Public participation in planning process
- 2) Reflect unique waterfront site
- 3) Better public notification on waterfront planning process
- 4) Waterfront policies should be based on complete information --
 incorporating all group input
- 5) To insure minority involvement in the planning and development process
- 6) Express the uniqueness of Berkeley:
 - commitment to equality
 - innovation
 - affordable technology
 - participation
- 7) To reaffirm support for the Master Plan goals
- 8) Satisfy our search for great ideas by achieving greatness
- 9) Information needed:
 - who needs jobs
 - what kind of business will come to Berkeley
 - what is the relationship of these two
- 10) Encourage minority participation in planning process
- 11) The waterfront should be outstanding -- it should be an attraction
 to people of the Bay Area and all over the world
- 12) Strong relationship between the waterfront, Marina area, and Aquatic Park
- 13) Accomodate need for jobs, open spaces (urban park) and tax revenues
- 14) Major benefit to the City of Berkeley, a balance of jobs, open space
 (urban parks, recreation) tax revenues
- 15) Whatever is there should be expressive of the uniqueness of Berkeley
 - committed to equality
 - committed to innovation
 - committed to quality
 - committed to education
 - committed to participation
 - center for appropriate technologyin the context of waterfront-related uses
- 16) Continue efforts to keep and/or clean-up water in the bay itself

GOALS

B. GENERAL

page two

- 17) Achieve balance between open space and development
- 18) Preserve the special natural quality -- the beauty, vista, sunsets, sky, water
- 19) Tie-in to Aquatic Park
- 20) Any development should fit into Master Plan

GOALS

Waterfront Planning-Community Workshop #1

Wednesday, June 1, 1983

Saturday, June 4, 1983

3. REGIONAL CONTEXT

- 1) More cooperation between three shoreline cities (Berkeley, Albany, and Emeryville) in planning for waterfront
- 2) Commercial development should be locally-oriented, appropriate to maritime environments, and be compatible with Emeryville and Albany
- 3) Comprehensive planning process with neighboring jurisdictions

GOALS

Waterfront Planning-Community Workshop #1

Wednesday, June 1, 1983

Saturday, June 4, 1983

D. USES/ECONOMIC DEVELOPMENT/JOBS

- 1) Preserve maximum natural state
- 2) Development compatible with East Bay Shoreline Park
- 3) Maximize recreational activities or opportunities for lower income groups and those who live in immediate vicinity
- 4) Designating nature preserve areas
- 5) Provide educational and cultural facilities, visual amenities
- 6) Discourage these uses: private housing; office/financial; warehouse; industrial; large-scale retail
- 7) Any job development geared to minority and low-skill jobs
- 8) Present unbroken stretch of open space along shoreline
- 9) Limit commercial developments that are water dependent
- 10) Commercial development allowing for small private ownership (e.g., non-corporate)
- 11) Maximum open space
- 12) Mixed-use -- including residential
- 13) Existence of low-cost cooperative recreational organizations
- 14) Enhanced (but undeveloped) beach
- 15) Creation of eastbay shoreline park
- 16) Increased opportunities for water activities for all segments of Berkeley population
- 17) Maximize jobs
- 18) Places for people to meet (individual interaction)
- 19) Lots of places to fish
- 20) Provide opportunities to experience the bay in unique ways -- active and passive recreation (including water contact); maximize views
- 21) Reflect Berkeley's character with educational opportunities and ecological perspective

GOALS

D. USES/ECONOMIC DEVELOPMENT/JOBS

page two

- 22) Development should be primarily open space/rec. oriented
- 23) Opportunity for quiet and peaceful enjoyment of waterfront should be preserved
- 24) Develop jobs primarily for Berkeley residents "under/unemployed"
- 25) Maintain primarily open space
- 26) Linear link "Shoreline Trail"
- 27) Achieve balance between environmental/recreational uses and economic development, including employment opportunity
- 28) Development beneficial to all interest groups in Berkeley
- 29) Recreational land use planned to provide spaces for frolic and fun and quiet places
- 30) Jobs: focus on the Berkeleyans who most need jobs. Also provide for training
- 31) Economic uses should be compatible with recreation goals
- 32) The main goals should be use that most Berkeleyans can benefit from
- 33) Development should be non-residential
- 34) Jobs created should favor Berkeley's under- and unemployed
- 35) Provide water-oriented recreational and athletic facilities for youth
- 36) Primary thrust should be recreational -- available to all segments of the population
- 37) Revenue and jobs through recreation should be the highest priority
- 38) Most important uses are recreational which produces revenues (and jobs) compatible with land and water
- 39) Whatever development occurs should provide for some affordable housing in other appropriate sites in Berkeley
- 40) Businesses should be of the type that will generate jobs throughout Berkeley (e.g. tourism)
- 41) More unbuilt than not -- left open for public use
- 42) Protect existing ecological resources
- 43) More open space for playing fields
- 44) Fish or produce market
- 45) Focal area for park at east edge of meadow

GOALS

D. USES/ECONOMIC DEVELOPMENT/JOBS

page three

- 46) Prohibit office and laboratory uses that don't take advantage of the unique waterfront space
- 47) Develop water-oriented recreational activities
- 48) Affordable cafe
- 49) Develop a beach -- physical contact with water
- 50) Contribute to the economic health of the city -- jobs, revenue
- 51) Provide educational experience
- 52) Provide an ecology education center
- 53) Improve marina -- tie in to anything new, increase visual access to boats and water
- 54) Provide a central meeting place
- 55) Expand the houseboat area
- 56) Development should relate to recreation
- 57) Development should relate to tourism
- 58) Study actual need for open space

GOALS

Waterfront Planning-Community Workshop #1

Wednesday, June 1, 1983

Saturday, June 4, 1983

3. POPULATION SERVED

- 1) Waterfront available to all economic and ethnic groups regardless of age, sex, insure handicap access
- 2) Maximize recreational activities or opportunities for lower income groups and those who live in immediate vicinity
- 3) Increased opportunities for water activities for all segments of Berkeley population
- 4) All jobs to go to Berkeley residents
- 5) Boating for low-income people
- 6) Provide meeting place for different social groups
- 7) Development should serve widest spectrum of Berkeley residents
- 8) Develop jobs primarily for Berkeley residents "under/unemployed"
- 9) Guarantee access to all segments of the population to the shoreland
- 10) Maintain the socio-economic diversity
- 11) Development beneficial to all interest groups in Berkeley
- 12) Development accessible economically to entire community
- 13) Provide water-oriented recreation and athletic facilities for youth
- 14) Promote tourism that requires minimum parking and pollution
- 15) Primary thrust should be recreational -- available to all segments of the population
- 16) Facilities should be non-exclusive (e.g. not a golf course) to the extent possible; facilities shall have a range of dollar services (e.g. restaurants should include low-cost, too)
- 17) Provide access to waterfront activities for all Berkeley residents
- 18) Easily usable by those north and south of Berkeley
- 19) Focus plans for use by young people, especially teenagers

GOALS

Waterfront Planning-Community Workshop #1

Wednesday, June 1, 1983

Saturday, June 4, 1983

F. CONTROL/OWNERSHIP

- 1) Public ownership of entire waterfront
- 2) Local control of waterfront uses
- 3) The most desirable areas of the waterfront, namely the meadow and brick yard, should be preserved for public use, primarily recreation
- 4) Work with all public agencies to acquire and develop shoreland
- 5) In some private development the city should have an equity position
- 6) Retention of local control

GOALS

Waterfront Planning-Community Workshop #1

Wednesday, June 1, 1983

Saturday, June 4, 1983

G. REVENUE/COSTS

- 1) Provide maximum public financial benefit from any development
- 2) Easy maintenance
- 3) Use alternative energy sources
- 4) Maximize tax return for the city
- 5) Development on the waterfront should not cost the city anything
- 6) Development should contribute some revenue
- 7) Revenue and jobs through recreation should be the highest priority
- 8) Achieve balance of revenue-producing and revenue-absorbing developments that reflect the diversity of the community
- 9) Do not rely on waterfront for revenue raising

GOALS

Waterfront Planning-Community Workshop #1

Wednesday, June 1, 1983

Saturday, June 4, 1983

H. LAND USE REGULATIONS

- 1) Place at waterfront exempt from leash law
- 2) Ban dogs at waterfront

GOALS

Waterfront Planning-Community Workshop #1

Wednesday, June 1, 1983

Saturday, June 4, 1983

I. RELATION TO OTHER BERKELEY AREAS

- 1) Complement and supplement central business district and other areas of the city
- 2) Good public transportation between downtown Berkeley and Berkeley waterfront
- 3) Waterfront development should be coordinated with city-wide economic development, particularly in South Berkeley and examination of TDR or similar
- 4) Economic development should be compatible with the rest of the city and not in conflict with downtown or south Berkeley, but enhance
- 5) Should not conflict with downtown businesses
- 6) Any development should be thought of in terms of other areas of the city

GOALS

Waterfront Planning-Community Workshop #1

Wednesday, June 1, 1983

Saturday, June 4, 1983

J. DESIGN

- 1) Preserve scenic views in all directions
- 2) Designs responsive to human needs
- 3) Structures should be low-lying, human in scale
- 4) Enhance and create focus for the city
- 5) Development should reflect park concept in scale and size
- 6) Structures allowed should be of outstanding and distinctive design comparable in quality of excellence to the Marin Center
- 7) Uses of all structures will relate to the Waterfront and the water
- 8) Strip of low-rise structure to act as buffer between freeway and waterfront
- 9) No high-rise on waterfront
- 10) Outstanding design in any structures
- 11) Minimize number of structures
- 12) Evidence safe and attractive design
- 13) Waterfront development should provide a hospitable structure offering affordable services, again to widest spectrum of residents
- 14) Preservation of magnificent views should be given extremely high priority
- 15) Maintain extensive gate view from the freeway -- panoramic view maintained
- 16) Planning site design and building design should reflect Berkeley's diverse population
- 17) Take advantage of opportunity for significant architectural statement
- 18) Design should incorporate most recent appropriate technology
- 19) Preserve view corridors
- 20) Any business on the waterfront should have a direct relationship to water (e.g. fishing industry, boat building, boatel, etc.)
- 21) Every structure should be open to the public
- 22) Preserve views from land, from water
- 23) Orient commercial land uses to the waterfront setting
- 24) Protect the area from freeway noise -- maybe with berms

GOALS

Waterfront Planning-Community Workshop #1

Wednesday, June 1, 1983

Saturday, June 4, 1983

L. SAFETY

- i) Waterfront as a safe place for people to be

GOALS

Waterfront Planning-Community Workshop #1

Wednesday, June 1, 1983

Saturday, June 4, 1983

M. ENVIRONMENTAL IMPACT

- 1) Reflect environmental quality, retain environmental uniqueness

GOALS

Waterfront Planning-Community Workshop #1

Wednesday, June 1, 1983

Saturday, June 4, 1983

II. IMPLEMENTATION

- 1) City should aggressively pursue funding from regional, state, etc. sources for open space/rec. acquisition/maint.
- 2) Reaffirm commitment to amending the Master Plan as the first step in the planning process
- 3) Incentives should be explored for whatever private development is deemed acceptable -- aggressively encourage appropriate development

A development plan for the Waterfront lands currently designated "U" should:

(Circle one number for each goal)		Great Importance			Lesser Importance		
		5	4	3	2	1	
1.	Reflect the unique and diverse character of the Berkeley community.	5	4	3	2	1	
2.	Achieve world-wide recognition as an example of outstanding waterfront planning and design.	5	4	3	2	1	
3.	Express Berkeley's commitment to equal social and economic opportunity, technological innovation, environmental quality, public education, public participation and other goals as stated in the Master Plan.	5	4	3	2	1	
4.	Be compatible with the development of an East Bay Shoreline Park and Recreation Area.	5	4	3	2	1	
5.	Generate net revenue to the City of Berkeley through a variety of recreational and recreation-related commercial uses.	5	4	3	2	1	
6.	Provide jobs primarily for Berkeley's unemployed and under-employed residents.	5	4	3	2	1	
7.	Attract, and be of recreational value to, people from the entire San Francisco Bay Region.	5	4	3	2	1	
8.	Complement and supplement commercial activity in the Central Business District and other business districts.	5	4	3	2	1	
9.	Stimulate business development job creation and public revenue generation in other parts of Berkeley.	5	4	3	2	1	
10.	Incorporate opportunities for small and cooperative business enterprise.	5	4	3	2	1	
11.	Include a significant amount of open space area that achieves, within it, a balance between the preservation of the natural environment and both passive and active recreation uses.	5	4	3	2	1	
12.	Enhance the enjoyment of the natural environment by providing quiet and peaceful settings to experience the water, sky and the surrounding vistas.	5	4	3	2	1	
13.	Preserve view corridors in all directions.	5	4	3	2	1	
14.	Complement the uses and design of the public lands west of Marina Blvd.	5	4	3	2	1	
15.	Provide continuous pedestrian access along the entire shoreline; and access to the water itself.	5	4	3	2	1	
16.	Integrate Aquatic Park with the waterfront lands west of Interstate 80.	5	4	3	2	1	
17.	Enable people and goods to move to, from and around the waterfront with minimal dependence on the automobile and minimal allocation of land devoted to parking.	5	4	3	2	1	
18.	Incorporate structural design which is attractive, innovative and of human scale.	5	4	3	2	1	
19.	Preserve and enhance the quality of the air, the water and the land.	5	4	3	2	1	
20.	Include marine recreation and educational opportunities for all segments of the population.	5	4	3	2	1	
21.	Insure a safe experience for people at all times of the day and night.	5	4	3	2	1	
22.	Insure on-going local control over land-use decisions.	5	4	3	2	1	
23.							

CITY COUNCIL WORKSHOP ON WATERFRONT GOALS - JUNE 23, 1983

Report of Small Groups Discussions

Group #1 - Reporter Wesley Hester

- 1) Questionnaire should have been passed out beforehand so individuals could have considered proposed objectives to be discussed
- 2) Group would have liked an opportunity to respond on an organizational basis; difficult in this setting to prioritize goals
- 3) Questionnaire makes it difficult to rank goals; need items in context of 3-5 development scenarios
- 4) Want to be able to react to specific proposals, real ideas
- 5) Questionnaire goals are all motherhood and apple pie statements
- 6) Need to discuss uses proportions of various types of uses
- 7) Staff needs to provide more creative opportunities to respond to
- 8) Questionnaire doesn't set up parameters; need framework, less abstract ideas
- 9) All goals (except #9) could be incorporated in any development on waterfront
- 10) #6 must be separated into why type of jobs for what Berkeleyans
- 11) Have to know what can be done before evaluating some of goals listed
- 12) All points desirable; need more information to deal with concrete plan
- 13) Individual responses
 - Should exclude some uses (such as manufacturing) outright
 - Don't want what Emeryville has -- highrises
 - 1st priority - recreational resources for all City's people
 - Endorse development in context of Tivoli Gardens scenario
 - Park and Rec. Comm. proposals good
 - Preservation of view/hill to bay -- only half realized
 - Need to resolve length of pier/endorse more restoration

Group #2 - Larry Orman, Reporter

Many goals are taken for granted; not much discussed; focussed on 3 themes:

- 1) Natural resource value - importance of access, character of the area as a whole
 - Linkage to shoreline park no matter what; support for unbroken stretch of open space along shoreline
 - General consensus for maximum public acquisition but not as total a priority
- 2) Primary Uses
 - Recreation - primary orientation; most important along shoreline; some want all land west of freeway so oriented.

Need definition of recreation - whether traditional park, natural area concept or broader definition which could include water related industry such as boat building

What is water-oriented - agreed on only subjective feeling of that which looks, smells and feels like it belongs on the waterfront

Excellence of design very important

2) Relationship to economic issues

Revenues need to produce net positive cash flow to City or at least not cost the City

Jobs important but not necessary focussed on a specific group of Berkeley residents but definitely for Berkeley residents

Group #3 - Wendy Gleason, Reporter

Looked for areas of agreement - found much - namely:

1 & 3 important and related - development reflect diversity of the community

4 important but not to imply exclusion at this point of any specific use

15 a better statement of park concept

5 important but ways to generate revenue should not be restricted

6 - most important - jobs for Berkeleyans with unemployed as primary target group; do not want to exclude any use before knowing who that use might provide jobs for

9 all agreed with various levels of importance; all agree on importance of relating economic development on water front to its effect on other parts of the City

10 Agree that small and coop business is important but not exclusively

11 & 12 - uses important on waterfront but less given the plans for the North Waterfront Park

15 - Pedestrian access important

22 Unanimous that local control is an important goal

Other comments of group included:

Safety extremely important; people best way to create safety

Housing - is it seismically as well as economically feasible?
mixed housing for all incomes; perhaps mortgage revenue bonds to finance

Human scale - view corridors but cannot have views from everywhere to everywhere but important to be able to see and relate to Bay and hills-- see where we are and what we are

Council Comments

The site is so unique and extraordinary whatever is done must be of very high quality; physical implementation of social objectives should express the highest standards of excellence; the site warrants it.

The written suggestions of Prof. Vilich should be shared with all. Process becomes more meaningful with the extensive participation we are getting in these workshops.

Primary objective is that what we do is non-exclusionary -- open and accessible to all in the community. Proposals of the Recreation and Parks Commission and State Park department are examples of non-exclusionary uses. Uses need to open and invite participation from all in the community.

LAND USE POLICY – WATERFRONT

POLICY			ESSENTIAL	NOT ACCEPTABLE	COMMENTS
<u>RESIDENTIAL</u> 1. Housing shall be: <ul style="list-style-type: none"> a. Cooperative b. Townhouse in style c. One or two stories d. Located within the Meadow North to the Albany border e. Set back from the waters edge f. Set back from the frontage road 2. Housing shall serve: <ul style="list-style-type: none"> a. Mixed income population b. Mixed household types c. Low income d. Senior Citizens 					
<u>COMMERCIAL</u> 1. Development shall be clustered and compact in low rise structures. 2. Commercial development shall be landscaped to fit with adjacent park and recreation use.					

LAND USE POLICY – WATERFRONT

POLICY	ESSENTIAL	NOT ACCEPTABLE	COMMENTS
<u>COMMERCIAL</u> (cont.)			
3. Structures (development) shall be used as a buffer between the freeway and the more open uses westward towards the water's edge.			
4. Industrial and office development shall be confined to the area north of the meadow.			
5. A freeway deck should be developed connecting east and west, utilizing the eastern portion for office and commercial development and merging into open space to the west.			
6. A large concentrated hotel complex with small subsidiary shops shall be located north of University Ave. at the intersection of Marina Boulevard.			
7. Any hotel development shall be of the asilomar type with open areas between buildings and be located close to the freeway.			

LAND USE POLICY – WATERFRONT

ESSENTIAL
NOT ACCEPTABLE

POLICY

COMMENTS

COMMERCIAL(cont.)

8. Retail development for local (housing) and tourist trade shall be located close to the water but back from the water's edge.
9. Commercial development shall be located along the frontage road.
10. Commercial development along the North Basin should be in clusters that are separated by open areas which provide access to the water.

DESIGN

1. Structures along roads shall be set back with adequate open and/or landscaped areas along the roads.

LAND USE POLICY – WATERFRONT

ESSENTIAL
NOT ACCEPTABLE

POLICY

COMMENTS

DESIGN (cont.)

2. The design of the waterfront shall not reflect one person's imprint but shall reflect a diverse design.

3. There shall be a height limit of three stories for all structures.

4. Individual structures used for development shall be of high quality, limited in height and intent utilizing the ground floor for concealed parking, and preseving an open space character surrounding the structure.

5. Uses which attract large numbers of people such as open air markets, amphitheatres, etc. shall be located on the easterly portion of the waterfront, utilizing the westerly portion for less concentrated activities.

6. The design of the University Ave. entrance to the waterfront shall emphasize the Bay vistas and providing for view sites.

LAND USE POLICY – WATERFRONT

5.

POLICY			COMMENTS
<u>DESIGN (cont.)</u>			
<p>7. Structural uses shall comprise a maximum of 20 acres in the Meadow area.</p> <p>8. The design of the University Ave. entrance to the waterfront shall define the entrance to waterfront activities.</p>			
<u>RECREATIONAL AND CULTURAL</u>			
<p>1. At least 2/3 of the area shall be used for recreation, active or passive.</p> <p>2. The shoreline shall be kept open and as natural as possible, and shall be accessible to all especially the handicapped and the elderly.</p> <p>3. There shall be a system of pedestrian and bicycle trails which connect all areas of the waterfront and links up to the neighboring cities of Emeryville and Albany.</p>			

LAND USE POLICY – WATERFRONT

6.

ESSENTIAL
NOT ACCEPTABLE

POLICY

COMMENTS

RECREATIONAL AND CULTURAL (cont.)

4. The North Sailing Basin shall be improved with piers and docks extending into the water in order to increase opportunities for water activity such as boating and fishing.
5. At least twenty acres shall be used for active recreation such as games, ball fields, etc.
6. Cultural uses such as nature center, museums, etc. shall be an integrated part of the waterfront development.
7. The entire waterfront shall be part of an East Bay Shoreline Park and Recreation area.
8. The waterfront shall achieve a balance between the preservation of the natural environment and both passive and active recreation.

LAND USE POLICY—WATERFRONT

POLICY	ESSENTIAL	NOT ACCEPTABLE	COMMENTS
<u>RECREATIONAL AND CULTURAL (cont.)</u>			
9. There shall be approximately the same amount of space devoted to active as to passive open space recreation.			
10. A beach shall be restored and extend from Brickyard Cove, after removing the peninsula, to the Ashby spit.			
11. Creeks which empty into the Bay shall be improved at their outfall.			
12. In the North Sailing Basin, a boardwalk in the water shall be constructed.			
13. Land along the shoreline shall become part of a State recreation area.			

LAND USE POLICY – WATERFRONT

ESSENTIAL
NOT ACCEPTABLE

POLICY

COMMENTS

RECREATIONAL AND CULTURAL (cont.)

14. Special, sensitive, fragile natural areas shall be, protected (limited access) and preserved.

CIRCULATION

1. Parking shall be designed to avoid large surface parking lots.
2. There shall be public access to all areas including structures and landscaped areas.
3. Integrate the waterfront with West Berkeley with more locations for pedestrian and bicycle access across the freeway.
4. Pedestrian access from Aquatic Park shall be on grade either elevating or depressing the the freeway.

LAND USE POLICY – WATERFRONT

POLICY	ESSENTIAL	NOT ACCEPTABLE	COMMENTS
<u>CIRCULATION</u> (cont.)			
5. Access to and around the waterfront shall utilize alternative modes such as transit, bicycle lanes, etc.			
6. The city shall develop an effective system of convenient, low cost public transportation to and around the waterfront for Berkeleyans.			
7. Off street parking areas shall be located away from the Shoreline.			
8. Increase public transit between the downtown and the waterfront.			

LAND USE POLICY – WATERFRONT

POLICY	ESSENTIAL	NOT ACCEPTABLE	COMMENTS
<p><u>PROHIBITED USES</u></p> <p>a. Structured recreational uses (such as tennis) which are used by small segments of the population.</p> <p>b. Overnight parking for recreation vehicles shall be provided.</p> <p>c. There shall be no additional fill of the bay.</p> <p>d. Active sports fields.</p> <p>e. Intensive office development, regional shopping centers, etc.</p> <p>f. The Beach and Brickyard shall have no structural uses except for accessory buildings and restrooms.</p> <p>g. Industrial uses (manufacturing or fabrication).</p>			

LAND USE POLICY – WATERFRONT

11.

POLICY			COMMENTS
<u>PROHIBITED USES (cont).</u>			
h. Housing of any kind except the existing houseboats.			
i. Hotels and motels.			
j. Large resturants complexes or restaurants on the water.			
k. Large scale conference centers.			
l. Offices for professional occupations.			
m. Hi-tech offices or laboratories.			
n. Boutique/speciality stores complex.			

SURVEY

POTENTIAL WATERFRONT USES

	+2	+1	0	-1	-2	
	Strongly Support	Moderately Support	Indifferent	Moderately Oppose	Strongly Oppose	
COMMERCIAL						
Convention Center/Assembly Halls	11	18	2	6	12	+1.00
Retail	5	8	1		4	-
Food Service: Restaurants/Meeting rooms	23	17	5	4	4	+1.96
Low cost cafeteria style	13	14	5	6	7	+1.60
Food stands	19	22	5	3	4	+1.92
Portable Farmer's Market - to 5 acres	13	15	8	6	8	+1.53
Flea Market - to .5 acre	6	9	3	13	20	-1.63
Vendors	13	12	8	9	11	+1.10
Cabaret	8	3	4	10	24	-1.30
Dance Hall	9	6	6	5	22	-1.53
Convenience (general food, drug store, hardware, etc.)	5	11	3	9	24	-1.69
Specialty: Arts/Crafts	11	14	10	3	12	+1.27
Gifts/Novelties/Souvenirs	9	9	8	10	17	-1.32
Books	11	14	5	8	15	+1.07
Clothing	7	11	2	10	22	-1.58
Home/Personal Accessories	6	7	3	11	24	-1.78
Specialty Foods	9	12	5	11	14	-1.17
Fish Store	24	17	3	4	2	+1.14
Sports Marine. Sports Wear	8	12	7	10	14	-1.20
Boat Sales	14	17	11	2	7	+1.57
Chandlery (boat accessories)	16	19	10	1	5	+1.78
Sporting Goods - sales/rentals	11	17	6	10	7	+1.29
Service Station	5	4	7	5	30	-1.10
Services	1	3	1		4	-
Convenience (hair care, repairs, etc.)	3	7	4	5	31	-1.08
Real Estate, Insurance	1	6	3	3	29	-1.40
Travel	2	4	9	4	34	-1.21
Professional Services	5	5	6	5	30	-1.94
Medical Services	4	6	6	4	31	-1.02
General Offices	5	12	2	7	27	-1.74
Photography Studio	1	8	8	3	31	-1.08
Boat Repair	15	17	7	3	9	+1.59
Transient Residential - 3 story maximum	5	9	4	2	14	-1.32
Hotel - 200+ rooms	9	9	3	12	18	-1.40
Motel/Small Hotel - to 200 rooms	10	21	4	7	11	+1.23
Inn - to 50 rooms	16	16	4	2	9	+1.60
Conference Center - to 500 beds, meeting, dining - 20 acres	24	13	5	4	7	+1.51
Youth Hostel - 1 acre	24	17	3	1	3	+1.21
RESIDENTIAL	2				9	-
Single Family (10 units/acre) - Maximum 3 stories	1	7		4	42	-1.46
Medium Density (20 units/acre) - Maximum 3 stories	5	7	4	3	35	-1.04
High Density (50 units/acre) - Maximum 3 stories	4	8	4	3	33	-1.02
Residential Care Facility - up to 100 residents - 1 story	2	9	2	1	39	-1.25
Convalescent Homes - up to 100 residents - 1 story	3	5	5	1	38	-1.27
Live/Work Occupancies (10 units/acre) - maximum 3 stories	10	8	4	4	26	-1.00

SURVEY

POTENTIAL WATERFRONT USES

	+2	+1	0	-1	-2	
	Strongly Support	Moderately Support	Indifferent	Moderately Oppose	Strongly Oppose	
RECREATIONAL & CULTURAL (* indicates fee normally charged)						
In Structures						
Active: Fitness Center*	8	5	7	9	26	-0.73
Bowling Alley*		3	4	7	38	-1.65
Roller Skating Rink*		5	2	10	34	-1.43
Penny Arcade/Video Games		3	4	3	41	-1.61
Passive: Theatres*: Small to 250 Seats	10	12	7	8	13	-0.04
Large to 2500 Seats	4	7	4	10	21	-0.20
Amphitheatres*- to 5 acres	14	19	5	6	7	+0.54
Aquarium* - to 5 acres	15	13	12	6	2	+0.69
Museums/Art Galleries	12	17	10	8	2	+0.59
Nature/Ecology Exhibits	31	13	5	1	1	+1.38
Information Center	30	15	5	1	2	+1.32
Outdoor						
Active: Fairgrounds* - to 15 acres	2	7	3	17	18	-0.81
Ball fields	17	11	10	8	7	+0.43
Amusement Park*- to 15 acres	3	7	8	11	25	-0.29
Tennis Courts	3	12	6	10	22	-0.68
Golf Driving Range - 5 acres	-	2	4	15	31	-1.44
Swimming Pool* - 2 acres	14	14	3	8	15	+0.07
Swimming Beach	42	5	3	2	3	+1.47
Riding Stables*	7	13	12	9	11	+0.13
Boat Launch	30	18	1	-	4	+1.32
Boat Rentals*	35	12	3	-	4	+1.37
Par Course	15	9	9	5	10	+0.27
Passive: Turf fields	51	10	5	2	3	+1.25
Picnic Areas	43	7	1		2	+1.68
Conservation Area-wildlife/arboretum/mud flats	43	5	1	1	2	+1.63
Fishing	43	5	2	1	2	+1.62
Trails/walkways	50	1	2		2	+1.76
View Points	50	1	2		2	+1.76
Bandstand	11	19	11	4	4	+0.59
Tent camping*	6	14	9	8	12	-0.12
Recreational Vehicle camping*	3	9	8	5	24	-0.72
Beach	46	4	1	1	2	+1.69
Botanical Gardens	16	16	9	4	6	+0.63
INSTITUTIONAL - Maximum 3 stories or 35 feet						
Hospital	1	3	4	3	38	-1.51
Schools: Public	3	3	4	4	38	-1.37
Private	1	3	2	4	39	-1.57
Specialized Marine Educations - to 10 acres	14	22	7	5	3	+0.76
College Education - to 60 acres	4	2	3	7	34	-1.3
Vocational School - to 1 acre	1	3	5	8	33	-1.38
Government: Police and/or Fire Station - to .5 acre	6	11	12	2	19	-0.35
General Offices - to 1 acre	4	10	8	3	27	-0.75
Public Service (e.g. DMV) to 1 acre	4	5	7	5	31	-0.94

SURVEY

POTENTIAL WATERFRONT USES

	+2	+1	0	-1	-2	
	Strongly Support	Moderately Support	Indifferent	Moderately Oppose	Strongly Oppose	
INDUSTRIAL/WHOLESALE - Structure no more than 35 feet						
Craft Production	12	2	11	3	9	+1.1
Research and Development - to 1 acre per use	11	9	7	7	19	-1.26
Boat Storage (on land) - up to 5 acres	13	21	13	2	6	+1.40
Fish Processing	9	15	11	7	12	+1.34
Ware houses	2	5	5	3	43	-1.35
Laboratories	3	6	9	6	31	-1.02
High Tech Manufacturing - to 1 acre per site	1	12	5	6	30	-1.46
Other Manufacturing - to 1 acre per site	1	9	4	2	31	-1.23
Boat Building	13	4	7	1	7	+1.67
Storage Space Rental - to 2 acres per site	2	4	4	9	33	-1.29
CIRCULATION						
Parking - General Open Parking	5	13	7	7	4	-1.21
Parking for Individual Use	4	10	6	6	14	-1.43
Peripheral Parking	13	14	5	5	10	+1.32
Parking Structure - to 3 levels	4	8	4	6	23	-1.20
Transit staging area - to 2 acres	10	11	5	7	10	+1.09
Major roads: 2 lanes (40' wide)	3	12	4	10	20	-1.65
Minor roads: 2 lanes (28' wide)	12	21	7	9	3	+1.58
Bicycle paths: 6' wide	44	6	2	-	3	+1.65
Heliport - to 2 acres, 1 store office	1	4	10	7	28	-1.14
Guest docking facilities	18	22	7	-	5	+1.02
Trails/Walkways/Jogging paths - 4' wide	48	4	1	-	1	+1.81
Elephant Train Route - 10' wide	15	5	19	6	5	+1.35
OTHER USES						
EVALUATION OF MAJOR USE CATEGORIES						
Recreational and Cultural	41	4	-	-	-	+1.91
Institutional	4	11	9	6	15	-1.40
Commercial	6	13	6	10	11	-1.15
Residential	5	7	4	2	23	-1.89
Industrial/Wholesale	3	2	6	5	35	-1.31
Circulation	13	5	10	5	6	+1.36

COMMENTS FOLLOWING GROUP DISCUSSIONS - Council/Board/Commission Workshop

July 21, 1983

Report of Group 1:

- - Conference Center appealing
- - Structures should be away from the shoreline
- - Shore line should be accessible
- - Commercial uses should complement some water-oriented use
- - Employment created should serve local population -- not be dead end jobs
- - On height, no agreement on specific height; should be low but flexibility to permit some structures to be higher than others
- - Any use should provide net revenue to the City
- - Uses should stimulate commercial activities in other areas of the City
- - Vistas and views are very important
- - If housing is included, should be dense and mixed but no consensus
- - Cluster any development
- - Recreation areas should include opportunity for diverse activities
 - - Shoreline should be open with trails
- - Any employment should be for local residents

Report of Group 2:

- - Prohibit: overnight parking
intensive office, shopping center type commercial
additional fill
- - Mixed opinions on industry, housing, hotels larger restaurants,
professional offices
- - Against boutiques -- too many already
- - - With respect to recreation -
 - keep shoreline open - very important - with pedestrian and, if possible bike trail
 - important to protect and preserve sensitive areas
- - Did not find list of policies as clear and comprehensive as needed

Council Discussion

- - Would like economic policies included
- - Some statements not clear
- - Land use policies need to be related to economic policies
- - Also need educational, tourism policies
- - Possible categories of policies:
 - economic
 - social/cultural
 - physical functional
 - administrative/financial

- - All policies should be in framework of overall goals
- - Want to know how open space will be funded, what businesses will provide jobs, revenue
- - What are the market factors, funding strategies?'

Comments from the Public:

- - Policies not complete -- not all discussions got on paper from meetings
- - Information from workshops sometimes misrepresented
- - Many people at meetings upported economic development
- - Public safety on fill should affect uses
- - Need weighting of use questionnaire -- does not reflect community-- especially of unemployed
- - Importance of employment not reflected in report to night - concern with jobs for unemployed, affordable housing, equity participation of Black community in economic development; revenue for social services -- don't need more parks -- concernwith statistical games.

BACKGROUND INFORMATION

The Berkeley Waterfront Properties
of
Santa Fe Land Improvement Company

OWNERSHIP:

Within the City of Berkeley, Santa Fe Land Improvement Company owns 174 acres of dryland and 505 acres of wetland. The ownership includes all of the land, both dry and subject to tidal action, lying immediately west of Interstate 80 and the Frontage Road, from Emeryville on the south to Albany on the north. The western boundary is the City-owned marina property and its underwater extensions north and south. The 174 acres of Santa Fe drylands include the Meadow (72 acres), the Berkeley Beach (7 acres) and the North Basin Shoreline (66 acres). All of the drylands are presently vacant, although approximately 47 acres are under lease to Golden Gate Fields for use as a parking area (see attached map).

DEVELOPMENT
INTENT:

Santa Fe intends to develop its properties in a sensitive manner to aid realization of the fiscal, social, and environmental goals of the Berkeley community while achieving an appropriate financial return for utilization of its property and for its development efforts.

STATUS OF
PLANNING:

Santa Fe's planning team is reviewing the opportunity for appropriate development of the Berkeley properties and listening to the concerns and recommendations of the public and their elected and appointed representatives as expressed in City-sponsored workshops and other forums.

PROPERTY
HISTORY:

Berkeley's present bayshore was entirely created by fill. When the freeway was built to connect with the Oakland-San

PROPERTY
HISTORY
(cont.)

Francisco Bay Bridge, it was located a thousand yards out from the then-existing shoreline. A small portion of the Bay, cut off from the fill, was developed as Berkeley's Aquatic Park. The federal government built a recreational harbor adjacent to the Berkeley Pier a half mile into the Bay. The present major landfill areas, both City and Santa Fe-owned, that extend into the Bay, were created by landfill, beginning in 1903 and continuing to the present.

CURRENT PLANS
AND ZONING:

The current City of Berkeley General Plan and zoning designation for the property is "U" (unclassified). The Bay Conservation and Development Commission has permit jurisdiction for any improvements within 100 feet inland of the shoreline.

ADJACENT
PROPERTY USES:

Surrounding and nearby land uses include the 68-acre Berkeley Marina and related commercial-recreational uses (restaurants, office building, Marriott Hotel, marina, chandlery, and boat repair, club house, 13 acres of marina parks, etc.), and the 90-acre sanitary landfill soon to become the North Waterfront Park (8 acres of park are already completed). To the east of the area, across the freeway, is a mix of commercial, residential, and industrial development. To the south is the Emeryville Redevelopment Project Area, for which development of office, hotel, and residential uses is being aggressively pursued. To the north is Golden Gate Fields in Albany.

SUMMARY OF ENVIRONMENTAL RECONNAISSANCE

INTRODUCTION:

In order to make available as much information about the site as possible as a basis for planning, a number of technical studies and surveys were prepared. This information is the same as that assembled in the E.I.R. process after a project has been designed. This anticipation of the E.I.R. process allows for more environmentally oriented design.

CLIMATE/ AIR QUALITY:

Air quality in the vicinity of the site is excellent, as prevailing winds disperse the pollutants. The site is characterized by persistent winds that blow more than 10 miles per hour over 50% of the time. Winds in excess of 10 miles per hour are considered uncomfortable for outdoor activity. Predominant wind direction is from the west, off the Bay. Temperatures are moderate, with July and August normally cooler than June and September due to the presence of fog. All buildings planned for the site should be designed to mitigate wind problems through siting, orientation, and massing of structures and landscaping. Buildings and landscaping should be designed to create sunny, outdoor, wind-sheltered areas. (Source: Donald Ballanti, Certified Consulting Meteorologist)

GEOLOGY:

Bedrock lies about 100 feet below the surface, overlaid by sedimentary deposits and fill. The sedimentary deposits contain Bay Mud and stiff clay. The clay has bearing capacity for all structures. The Bay Mud has limited bearing capacity. A 1956 study for the City indicated that the thickness of Bay Mud varied from about three feet at the Brickyard, to 40 feet at the northwest corner of the Meadow, providing the

GEOLOGY
(cont.)

Brickyard with the best soils in Santa Fe's Berkeley property. Existing ground surface elevation varies from +9 to +15 feet (MLLW datum). All areas contain soils no worse than other fill properties in the Bay Area that have been developed.

The Meadow and North Basin Landfill consists of a mixture of residential garbage and commercial wastes and soil cover varying in thickness from eight to 20 feet. The Brickyard landfill was composed entirely of clean construction debris averaging 20 feet in depth, including soil cover.

Potential seismic hazards include ground shaking, lurching and instability of the shoreline, settlement, and flooding due to seiche and tsunami. Potential geologic hazards include settlement due to decomposition of garbage, or compression of Bay Mud, and presence of methane gas from decomposing garbage.

All potential seismic and geologic hazards can be mitigated by current state-of-the-art foundation and structural design. Other mitigation features include setbacks from dikes, and possibly elevating the height of dikes or adding or reworking the existing fill. Methane gas generated by decomposing garbage on the Meadows and North Basin Strip can be mitigated by proper venting of structures. (Source: Harding Lawson Associates, Geologists and Geotechnical Engineers)

HYDROLOGY:

Three City storm drains traverse the property and empty into the Bay. Because of high fecal coliform counts resulting from animal waste, these storm facilities present a possible water quality problem. Only very minor portions of the property are within either

HYDROLOGY:
(cont.)

100 or 500-year flood zones, which can be mitigated by raising dike levels one foot. (Source: Harding Lawson Associates)

ECOLOGY:

There are no rare or endangered plant or animal species on the site. There is a significant population of shore birds and other birds which make their habitat on the mud flats of the site. In order to protect this habitat from development impact, a shoreline wildlife habitat buffer zone could be established. There are no existing significant marsh habitats, although the Brickyard Cove mudflat is potentially suitable for saltmarsh development and a wildlife habitat. The high levels of fecal coliform emanating from City of Berkeley storm drains have contaminated clams and mussels in the vicinity of storm drain outfalls. (Source: Western Ecological Service Co.)

ARCHAEOLOGY:

The conclusion of an archaeological records search was that there are no previously recorded archaeological sites or California Historical Landmarks situated on, or immediately adjacent to, Santa Fe's property. Accordingly, the project site has been determined to have a very low archaeological sensitivity. (Source: California Archaeological Inventory, Northwest Information Center, Department of Anthropology, Sonoma State University)

TRAFFIC AND
ACCESS:

CalTrans is now in the advanced planning stage of an I-80 and I-180 Operational Improvement Program which includes the rebuilding of the Ashby, Powell, and University Avenue Interchanges and addition of high occupancy vehicle and mixed flow lanes. This program will significantly improve access to both sides of

TRAFFIC AND
ACCESS (cont.)

the freeway. Local street access utilizes Gilman, University, Ashby, and the West Frontage Road. Existing local street congestion resulting from a diversion of freeway traffic should be reduced as proposed CalTrans improvements are carried out. University Avenue is a major AC Transit bus route, with excess capacity. The North Berkeley BART station is approximately one mile east of the site. BART currently has considerable excess capacity on the Richmond line. (Source: D.K. Goodrich Consulting Group)

UTILITIES:

Existing off-site storm and sanitary sewer, water, gas, electricity, and telephone systems have substantial excess capacity to accommodate future land use. On-site utilities are limited and would require improvement. (Source: Wilsey and Ham, Civil Engineers)

NOISE:

The I-80 Freeway is the major source of environmental noise. Existing and projected noise levels can be mitigated to acceptable levels for all land uses by conventional design. (Source: Charles M. Salter Associates, Consultants on Acoustics)

VISUAL:

The views of San Francisco Bay are a major visual asset in Berkeley. The major views of the waterfront property are from the Berkeley Hills, the West Frontage Road, the University and Gilman I-80 overpasses, and from University Avenue east of San Pablo. Visual impact of new development can be mitigated by providing sensitively composed building massing, and protecting view corridors to the Bay from the hills and other vista points. (Source: Hall, Goodhue, Haisley and Barker, Architects/Planners)

CONCLUSION:

The above studies found that for the use of the site for almost any purpose, there are very few physical constraints, and these minimal limitations can be corrected by normal mitigation measures.

SUMMARY OF MARKET AND FISCAL FINDINGS

MARKET:

Market demand was evaluated for a broad range of land use for development opportunity. From a market standpoint, the site has several outstanding assets: exceptional water orientation and views, excellent location and visibility adjacent to the freeway and central location within the Bay Area, enabling it to serve East Bay and Bay Area-wide markets as well as local Berkeley markets.

The Bay Area regional economy is one of the strongest in the U.S. due to its diverse economic base, of which an important component is the high technology sector. The vitality of San Francisco as a headquarters for business, tourism, Pacific trade, the arts, and other activities creates a strong regional economy from which the site can benefit. The local Berkeley economy is dominated by the University and related educational services. With the exception of a few medium size firms, the Berkeley private sector economy is otherwise characterized by small firms in a broad range of retail, service, light manufacturing, crafts, and other entrepreneurial activities for which the site could provide opportunities for existing firms' expansion as well as relocation of new firms from elsewhere.

The local population is composed of a mix of incomes, ethnic groups and lifestyles covering a fairly broad spectrum from affluence to lower income. There is a lower income minority population which is predominantly located in south and west Berkeley.

MARKET
(CONT.)

Commercial land uses were evaluated with the following conclusion:

- Retail - Market opportunities exist for retail type projects ranging from concepts with department stores to concepts that are comprised of small shops and restaurants. Some concepts would be competitive with downtown and would therefore not be acceptable to the community. Market support exists for additional restaurants and other types of eating establishments, particularly if integrated in a mixed use development.
- Office - The site has the capacity to serve regional Bay Area demand and some different market segments than downtown Berkeley. Over a multi-phase build-out, there are opportunities to develop tenancies for substantial amounts of space, since regional office development is expected to continue over the longer term future. Berkeley's workforce is largely white collar, with 55% of the employed persons commuting to other cities, primarily San Francisco. It is believed that office development could attract a number of these workers to employment on the site as an alternative to commuting, and open up employment opportunities to other residents of Berkeley currently un- or under-employed.
- Hotel - With the continued growth of the Bay Area as a regional office center, and of tourism, market opportunities exist for new

MARKET
(cont.)

hotel development. The site has the advantage of freeway access and visibility and proximity to downtown San Francisco. Locally, the University creates demand for hotel rooms and conference facilities. Development of a conference center would add to the probability that a cluster of motels/hotels could be supported.

- Marina - Market support exists for large scale marina development in both the north basin and south basin areas. Given the shallowness of these areas, however, the cost of dredging will likely preclude financial feasibility without public assistance.
- Amusement and Commercial Recreation - Uses in the category run such a range, from indoor raquetball to hundred-acre type theme parks, that generalities are difficult. Given the outstanding access, most uses would likely be feasible. The wind conditions on the site would make it a less desirable location than others in the Bay Area for some types of outdoor amusements. Indoor athletic clubs and other recreational activities would have market support, particularly if integrated in a multi-use project.

Residential uses of all types and price ranges, catering to a broad spectrum of household needs, were evaluated. From a purely market standpoint, almost all groups would be willing to buy or rent at the site. However, it is concluded that only the upper end of the income spectrum could afford units built on the site, unless substantial public subsidies were available.

10-61
(cont.)

Industrial uses were also evaluated with the conclusion that the site could serve manufacturing, warehousing, and Research and Development (R&D) type uses. Of the industrial group, the site is most appropriately suited for R&D uses, for which market opportunities are enhanced by the presence of the University and existing nucleus of high-tech firms.

In summary, from a purely market standpoint, the site has the opportunity to serve as a location for a broad range of land uses, largely centering in the commercial category. (Source: Kipper Hamilton Associates, Inc., Land Use/Economic Analysis)

10-62

A preliminary assessment of the City of Berkeley's budget was undertaken to determine if the budget would be affected by development of Santa Fe's property and if so, how those effects would vary by different land uses. This analysis is particularly relevant in an era of budget deficits, curtailing of services, cuts in social programs, and the continuation of controversial financing mechanisms such as assessment districts.

The cost assessment was based on an analysis of the City's budget and interviews with the heads of the police, fire, and public works departments, coordinated through the City Manager's office. No differing costs by land use could be identified at this time.

Public works services can be provided to the site without hiring additional personnel or purchasing new equipment.

The cost of increased police service to the site was the only significant marginal cost identified by City departments.

FISCAL
(cont.)

Such costs will occur if significant development occurs, despite the fact that all new development would likely have its own security system. The City estimates the cost to be up to \$260,000/year, which will cover personnel salary, benefits, and equipment costs of a new police beat to serve Berkeley west of the freeway.

Fire protection can be provided without hiring additional personnel or purchasing new equipment, assuming that the development is built to existing fire codes and contains its own life safety system. There has long been a desire on the part of the Fire Department to have a station west of the freeway.

Santa Fe expects to absorb capital costs for internal streets and utilities serving its development. There is some question as to the capacity of a nearby sanitary sewer pump station; if replacement of that station is necessary, the developer would absorb that cost as well.

It is recognized that new development will generate some increment in the cost of General Government services. Such costs can be estimated using a number of different methodologies but selection among these is most appropriate when it can be related to a development plan.

The major revenues generated by development at the site are property taxes, sales taxes, business license fees, and hotel taxes, depending on the uses developed. Revenue rates were applied to a common denominator of space at 100,000 square feet (SF) to enable comparison of land uses.

FISCAL
(cont.)

For a retail complex of 100,000SF, property tax receipts are estimated to total \$43,000; sales taxes are estimated to amount to \$250,000; and business license fees would range from \$15,000 - \$20,000. Total receipts would thus be on the order of \$300,000 per year.

Residential development generates primarily property taxes. Assuming that a 100,000 SF complex were built and sold at prevailing prices, property tax receipts to the City would total approximately \$55,000 per year. If a major residential complex were to be developed, there would be a significant amount of property transfer tax generated.

If a 100,000SF office complex were developed, over \$40,000 in property taxes would result annually, based on the combined value of the building and improvements to the land. No sales taxes are generated directly by office development, although office workers obviously contribute to sales taxes indirectly. Business license fees could amount to another \$50,000 annually. Thus, total revenues from this increment of office development would be at least \$90,000 per year.

Industrial development (excluding R&D space) of 100,000SF would generate property taxes at \$20,000 per year, if typical industrial park type buildings were constructed. Business license fee receipts would be lower, because of differences in the fee schedules. Total receipts from industrial development are estimated at almost \$30,000 per year. If R&D space were developed at the site, total tax receipts would be similar to those for office development.

FISCAL
(cont.)

A 100,000SF hotel would consist of approximately 165 rooms. (The Marriott is 241 rooms). Development of a good quality facility would generate over \$50,000 in property tax receipts for the City annually. Sales tax receipts from the sale of food and beverages would amount to over \$10,000 per year. Business license fees would be over \$25,000, and hotel taxes would be over \$425,000 per year. Total revenues from a hotel development of the size indicated are estimated at well over \$525,000 per year.

In summary, it may be concluded that a reasonable mix of land uses developed on the property would produce additional revenues to the General Fund to more than cover the largest quantified cost. (Source: Keyser Marston Associates, Inc.)

EMPLOYMENT ISSUES AND OPPORTUNITIES

EMPLOYMENT
ANALYSIS:

The issue of high unemployment is of major concern to Berkeley leadership and citizens, particularly those citizens who are negatively impacted. In reviewing the job-generating potential of a new development, the issue will not be one of simply providing "jobs." There will be questions raised about the nature and intent of the jobs; what kind of jobs; are they "meaningful" or "dead end" jobs; jobs for whom and for what segment of the community?

As background for developing issues/options relative to establishing ways of impacting Berkeley's high unemployment, the following analysis was undertaken:

- o Reviewed Berkeley's labor force profile;
- o Reviewed Berkeley's unemployment profile;
- o Reviewed Berkeley's past efforts to reduce unemployment;
- o Attempted to identify the optimum employment/industry match;
- o Attempted to identify alternative job generation strategies and impacts.

The findings are as follows:

- o The educational level of Berkeley citizens, including Blacks and other minorities, is generally high.
- o Occupational opportunities in Berkeley are limited. For the foreseeable future, opportunities will be in the white collar services and retail trade occupations, and will be focused on the presently growing retail trade and sundry service areas.
- o Unemployment among Blacks and Native Americans is disproportionately high.
- o The area of greatest need for the greatest number of Berkeley residents is entry level jobs with growth potential, particularly for minority residents.

- o The beginning-skill-level jobs with the greatest potential for future growth are those in service, retail, and finance, insurance and real estate. Beginning level occupations within these industries include:

1. Clerical - secretaries, cashiers, miscellaneous clerical, bookkeepers, accounting clerks, word processors.
2. Service - cooks, waiters/waitresses, lodging quarters cleaners, dining room attendants, food counter/fountain workers.
3. Sales - general sales work.

(There may also be some opportunity for beginning-skill-level opportunities within high tech industries (e.g., production workers in electronics, telecommunications, instruments, biotechnology), but Berkeley has had a past history of failing to retain or attract such companies.)

- o The land uses that would best provide facilities for the above mentioned industries/occupations would include:

1. office buildings
2. retail stores
3. hotels
4. entertainment and amusement facilities
5. restaurants, drinking places

BERKELEY
(cont.)

To develop an effective jobs policy that would have the most impact on the greatest number of unemployed would require, among other things, the following:

- o Augmentation and support of the present infrastructure of jobs training as a short-range policy. This intervention may require provision for stipends/ support to trainees, incentives to employers for employment development, and improving the lines between training programs and the specific occupational requirements of local employers. The focus of any such support should be strictly on programs that train for jobs in the growth sectors of Berkeley's economy and the economy of the surrounding area.
- o Development that would generate entry-level jobs with growth potential as a long range policy.
- o The focus of any jobs program should be on residents in southwest and west Berkeley, because of the extraordinarily high rates of unemployment in these areas.

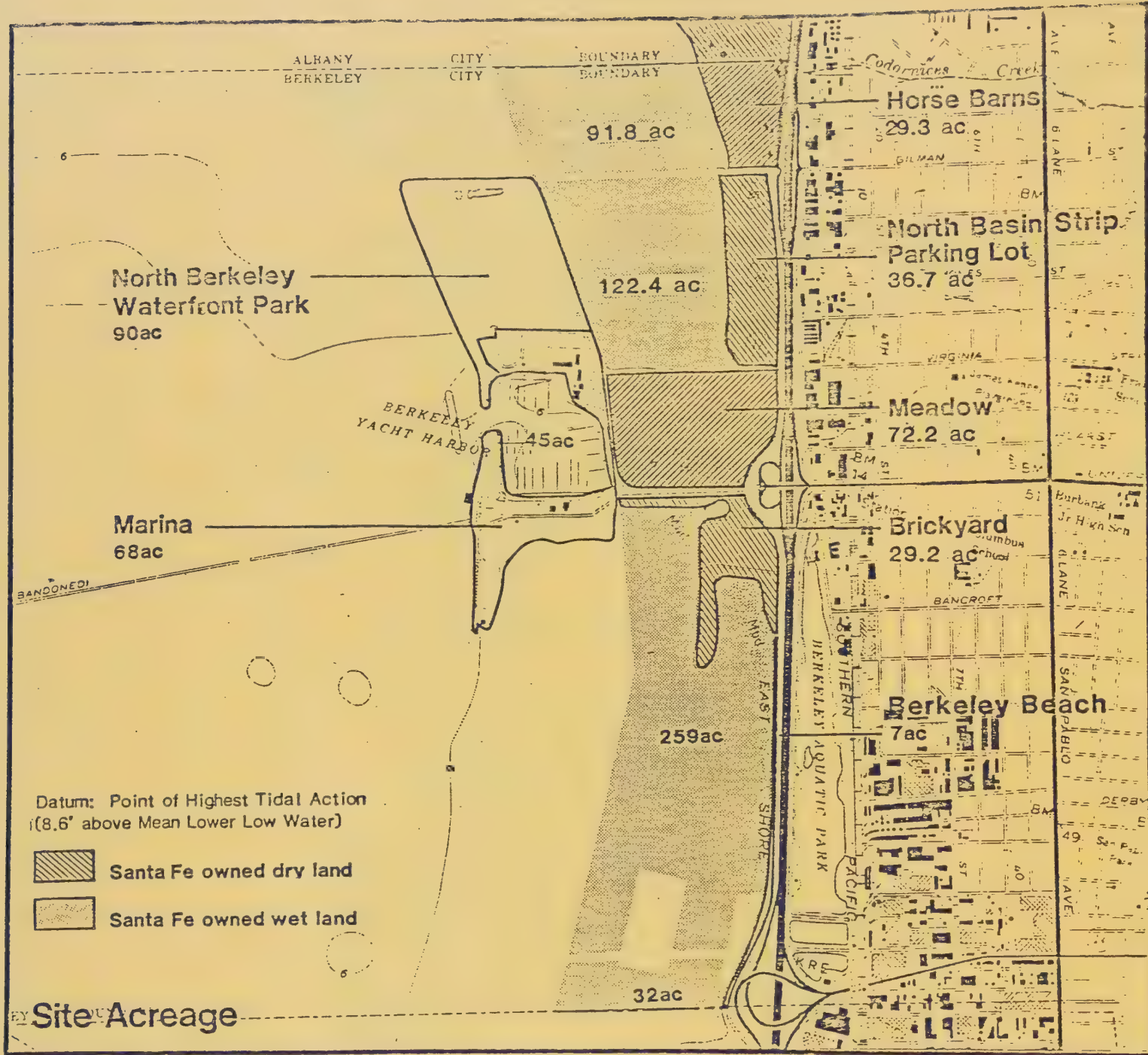
In summary, the focus of any jobs strategy should be on development that generates jobs in the area of greatest need for the greatest number of people. That area of need is entry-level jobs with growth potential. (Source: Jefferson Associates, Inc., Mitigation Planning)

OWNER/DEVELOPER: Santa Fe Land Improvement Company
224 South Michigan Avenue
Chicago, Illinois 60604
(312) 427-4900
Douglas Hall, President

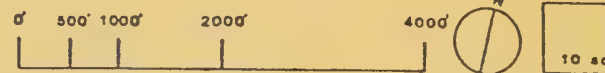
LAND USE/
ECONOMIC ANALYSIS: Keyser Marston Associates, Inc.
230 California Street, Sixth Floor
San Francisco, California 94111
(415) 398-3050
A. Jerry Keyser, President

ARCHITECTURE/
URBAN DESIGN: Hall, Goodhue, Haisley & Barker
100 Stevenson Street
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PLANNING: Jefferson Associates Incorporated
683 McAllister Street
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(415) 931-3001
James Jefferson, President



Berkeley Waterfront



Prepared for Santa Fe Land Improvement Company • Prepared by Hall Goodhue Haisley and Barker, Architects and Planners

Keyser Marston Associates and Jefferson Associates, Inc.

BAY CONSERVATION AND DEVELOPMENT DISTRICT:

Policies deal with preservation of the shoreline and public uses in City-owned marina area

Preservation shown in brickyard and beach area

No uses shown for meadows or north basin strip except along shoreline

Planning: no current efforts; are participating in work of Coastal Conservancy East Bay Shoreline Advisory Committee

RICHMOND

Plan has been adopted and is being implemented at present. Includes:
shoreline hiking and bike trail
mudflat habitats, parks, beach
residential
marina
industrial and port facilities
commercial (general and commercial recreation).

ALBANY

Adopted plan includes marina, park, commercial and parking
assumes retention of Golden Gate Fields

Now working with Water Quality Board and Army Corps of Engineers
on technical aspects of fill, berms and closures.

When permits obtained, developers will be sought for private uses
which will provide income to finance public developments

EMERYVILLE

Revised redevelopment plan before City Council now.

Plan calls for office, hotel and residential around Holiday Inn
area and between Watergate apartments and Marina

OAKLAND (City and Port of Oakland)

Emeryville crescent area planned to remain open

MasterPlan shows trail -- investigating if this is feasible. Issues include
potential damage to bird habitats in Bay Bridge area and conflicts with
industrial uses south of the bridge.

STATE AGENCIES (No written statements provided)

Cal Trans (Silvia Toth of Planning and Community Development Department)

Based upon review of Draft Environmental Impact Statement, Cal Trans has modified their plans to include a bike and pedestrian overpass in their plans for the redesign of the University Avenue interchange. The City still has concerns with the design.

The next stage in the planning process will be negotiation with the City of a specific detailed design. This will begin around November, 1983. No construction will be undertaken until an agreement is signed with the City on the detailed plan.

Coastal Conservancy (Peter Brand)

He reported on the work of the Conservancy in coordinating planning for the East Bay Shoreline through the East Bay Shoreline Advisory Committee. This group, made up of representatives of Cities, public agencies, community groups and state agencies is exploring alternatives. Some projects have been implemented, including a new boat dock at the south sailing basin in Berkeley. The conservancy currently is working with the University of California simulation laboratory to help explore the impact of alternative types and scales of development on the waterfront from the Bay Bridge north to Richmond.

EAST BAY SHORELINE

Feasibility Study

Edmund G. Brown Jr.
Governor

Huey D. Johnson
Secretary for Resources

Pete Dangermond, Jr.
Director

December, 1982

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
P.O. Box 2390
Sacramento, California 95811



SUMMARY OF FINDINGS AND RECOMMENDATIONS

Findings

1. The proposed East Bay shoreline project has the potential to preserve a substantial portion of undeveloped shoreline for public use and enjoyment. Acquisition and development would provide a wide variety of both water and non-water-related recreational activities along a 9+-mile strip of San Francisco Bay shoreline.
2. San Francisco Bay is a resource of statewide significance, yet the public has limited access to its shores. In the proposed project area, existing informal access to undeveloped lands may be threatened by potential private development.
3. The proposed project is located in Alameda County between the Bay Bridge and the Contra Costa County line. It falls within the jurisdiction of the cities of Albany, Berkeley, Emeryville, and Oakland. The major landowner is Santa Fe Industries, Inc., while the four cities and various private entities own smaller parcels.
4. There is strong public sentiment in the East Bay Area that all of the approximately 940 acres of wetlands and undeveloped bay fill lands between the Bay Bridge and the Contra Costa County line should be in public ownership, and should be managed for open space and recreation purposes. This area includes about 160 acres of private land, 120 acres of existing public land, and 660 acres of privately owned wetlands.
5. Present land use includes various informal recreational activities. Neighboring land use is largely commercial and residential.
6. The marsh habitats in the proposed project area are ecologically valuable and host rare and endangered species of plants and animals. These fragile areas are not yet adequately protected from abuse.
7. The East Bay shoreline area has high scenic value, with unparalleled views of the San Francisco Bay. The proposed project would seek to protect the bay vistas from the surrounding urban areas as well as from adjacent freeway corridors.
8. The proposed project would help meet the need for many recreation facilities in this part of the Bay Area. Potential recreational activities include camping (there are now no camping facilities along the East Bay shoreline), fishing, picnicking, boating, beachcombing, clamming, hiking, bicycling, jogging, and nature study.
9. The proposed project is within the Oakland-Berkeley Economically Disadvantaged Area (EDA), and is within a one-hour drive from the Vallejo, Richmond, San Pablo, and San Francisco EDAs. These areas are intensively urbanized and have large minority populations which have been identified as target populations in this department's urban state park policy.

10. The proposed project has been endorsed by a broad spectrum of governmental and citizen organizations.
11. Neither the local cities nor the East Bay Regional Park District have sufficient funds to acquire, develop, and operate the lands in the proposed project.

Recommendations

1. A state recreation area should be established along the East Bay shoreline. The undeveloped bay fill lands between the Bay Bridge and the Contra Costa County line should be managed for open space and recreation purposes. All or a portion of these lands would be suitable for inclusion in this state recreation area.
2. Because state funds are not sufficient, acquisition and development should be phased as funds are available for the following principal sites (acreages are approximate):
 - The Brickyard (27 acres), the narrow strip of shoreline between the Brickyard and the Berkeley marina (3 acres), the Ashby Spit (3 acres), Strawberry Beach connecting the Brickyard and the Spit (7 acres), and the shoreline strip between the Spit and the Emeryville fill (4 acres). These areas, with 15,000 feet of bay frontage, would secure the most spectacular views and could be developed for a variety of passive and active recreation uses.
 - The Santa Fe "Meadows": This 71-acre bay fill site, at the northwest corner of the Interstate 80 frontage road and University Avenue, has 1,700 feet of bay frontage which could be developed privately or publicly for a variety of recreation uses, including water-oriented commercial recreation or a conference grounds.
 - Private Lands on the Albany Peninsula: These parcels (10 acres) have 2,500 feet of bay frontage, and could be used for parking and dispersed recreation activities.
 - Golden Gate Fields: Discussions with the Pacific Racing Association could lead to non-racing-season use of the overflow parking area north of the racetrack as an en route campground for self-contained recreational vehicles. Provisions could also be made to rehabilitate Fleming Point pier for public use year-round. In addition, a trail easement could be acquired to allow public access to the shoreline bordering Golden Gate Fields.
 - The Emeryville Fill Southern Shoreline: This narrow shoreline strip could be developed with a trail for pedestrians and bicyclists.
 - The Berkeley Landfill: If the City of Berkeley is willing to transfer to the state its 90-acre landfill with 8,000 feet of shoreline, the department could develop a 50-100 unit campground and provide facilities for dispersed recreation use.

- The Albany Landfill: If the City of Albany is willing to transfer to the state its undeveloped fill lands (30 acres) with 5,500 feet of shoreline, this area would ultimately be used for a marina and park and recreation facility.

(An alternative to phased acquisition would be to allow a nonprofit private enterprise to secure an option on all or a major portion of undeveloped Santa Fe lands.)

3. The Emeryville Crescent (500 acres) and the Albany Mudflats (160 acres) are important wildlife areas which ultimately could be acquired and managed by the U.S. Fish and Wildlife Service or the California Department of Fish and Game as part of the San Francisco Bay Wildlife Refuge System. Public access to these wetlands should be controlled because of their fragile character.
4. A shoreline trail corridor should be established, linking the Albany peninsula with the Emeryville fill, to provide maximum public access to the shore.
5. Studies should be undertaken by the State Department of Boating and Waterways and U.S. Army Corps of Engineers beach erosion control experts to determine the feasibility of beach restoration at certain points along the shore.
6. If the recommended project becomes a reality, the feasibility of providing links or extending the project boundaries north to Point Richmond should be studied.



LAND USE & FACILITIES STUDY

fig. 4

SIERRA CLUB EASTBAY SHORELINE PARK TASK FORCE:

VIEWS ON PLANNING FOR BERKELEY'S WATERFRONT

A. GOALS

1. Use of remaining land areas of the Waterfront should be primarily recreational and open in character;
2. Any development must be considered in the context of Berkeley's overall land use and economic goals;
3. Any structures on the Waterfront should respect and enhance the open visual integrity of the entire shore, reflect the unique character of the Waterfront and relate well to public uses;
4. Any Development must be compatible with the idea of a Park, be integrated with the proposed Eastbay shoreline Park, and reflect Berkeley's commitment to "develop an unbroken stretch of open space" along the Bay shoreline (Master Plan, 1977).

B. PROCESS

1. Planning for the Waterfront should proceed by Amendment to the Berkeley Master Plan;
2. Planning for the Waterfront must encompass the entire Waterfront and City of Berkeley including the Marina and North Waterfront Park, Oceanview and the Berkeley Redevelopment District, West Berkeley, Downtown Berkeley and other commercial areas in the City.

C. INFORMATION NEEDED

1. Independent Market Studies identifying potential demand for uses and amount of space needed;
2. Job generation studies;
3. Constraints/Opportunities Map
4. Summary of current proposals for development in Berkeley

D. LAND USE POLICIES AND USES - See attached pages

(A final paper with the Goals for Planning and Land Use Policies and Uses will be presented in the near future to the Planning Staff and the City Council)

SUGGESTED GOALS AND LAND USES FOR THE BERKELEY WATERFRONT

SIERRA CLUB'S EAST BAY SHORELINE TASK FORCE SUPPORTS THE IDEA OF A PARK AS THE UNDERLYING PLAN FOR THE EAST BAY WATERFRONT. Goals and land use proposals follow from the idea of a park as the overall goal.

Section I: GOALS

- Provide recreational opportunities for a diverse population (income, age, race, sex, ability).
- Provide continuous waterfront trails for pedestrians and bicyclists.
- Preserve an unbroken stretch of open space along the shoreline.
- Provide views of the Bay from the shoreline and the waterfront.
- Provide maximum public access in all waterfront areas where access will not damage wildlife habitats. In environmentally sensitive areas, the recreational & cultural values of access must be balanced with the needs of wildlife.
- Preserve and restore ecologically valuable areas which contain rare habitats, plants or animals.
- Recognize areas which require special management or regulation because of hazards (unstable soil, flooding), ecological fragility, or other special conditions.
- Designate some areas "nature preserves" or "recreational preserves" in which motorized vehicles are prohibited.
- Provide safe, convenient bicycle & pedestrian access to waterfront areas.
- Locate main parking areas away from the shoreline.
- Encourage safe, quiet public transit as an alternative to the private automobile.
- Allow limited development which takes advantage of the Bay as a unique setting. This may include limited development oriented toward: public or commercial recreation, increased public access, marine research or education, or use of the Bay as a resource in a livelihood (eg. fishing).
- Discourage the following uses: private housing, office/financial, warehouse/industrial, large-scale retail.
- Phase public acquisition of the East Bay Waterfront, placing as much of the waterfront as possible in public ownership, as the best way to protect the waterfront from unsuitable development.

Section II: LAND USE POLICIESA. ACCEPTABLE PARK USES:

1. Identify and preserve special wildlife (including flora and fauna) habitats which should be preserved and which require prohibited access or limited access.
2. Open space and trails for hikers, joggers, strollers, and non-motorized bikes along the entire space of the shoreline from end to end, as long as such use is compatible with identified wildlife habitats.
3. Fishing areas and access to existing piers.

(Section 11A, Acceptable Park Uses, continued):

4. Natural screening buffers for protections against I-80 traffic.
5. Preserve within its existing borders the wood sculptures area, but prohibit further development.
6. Nature Center with emphasis on the ecology of the Bay.
7. Beach area where possible and worthwhile for swimming, sunbathing, etc.
8. Multi-use playing fields.

B. ACCEPTABLE DEVELOPMENT:

1. Campground and RV park for a portion of area.
2. Skate and bicycle rental points.
3. A limited marina development which includes permanent docking facilities, a number of launching points, boat rentals, emphasis on day-sailing and access by boaters without a permanent docking space. This marina could also include an open-access rowing or sailing club.
4. Limited support enterprises for sailors and park users (chandlery; non-chain small food stands; etc.).
5. A limited number of restaurants which are not situated on the waterfront but deeper in the park area.
6. An Asilomar-type convention center that fits into the scope and scale of a Park.
7. Possibly permit construction of some additional motel space, but only on terms favorable to municipalities concerned.
8. Science or cultural centers providing research and education about the Bay and shoreline.
9. Public fitness and athletic centers.
10. Excursion ferry.
11. Alternative energy generation sources, if appropriately scaled.

C. NOT ACCEPTABLE COMMERCIAL USES

1. Any industrial uses (industrial defined as manufacturing or fabrication).
2. Any kind of housing, except existing houseboat area.
3. Hotels and motels except as previously indicated.
4. Large restaurant complexes or restaurants on the water.
5. Conference centers beyond the scale previously indicated.
6. Offices for Professional occupations.
7. Hi-tech offices or labs.
8. Markets, except open air markets.
9. Comparison goods shopping centers (e.g. Hilltop Mall).
10. Boutique/specialty store complex (e.g. Pier 39).
11. Loading facilities for any kinds of goods, except loading/unloading area on the water but away from Park areas for commercial fishers for a fish market.

D. OTHER LAND USE CONSIDERATIONS:

1. Road ways for automobile traffic should be kept to a minimum.
2. Park for picnic and playground should be provided at selected spots.
3. Access by foot, bike or mass transit over I-80 needs to be improved.
4. Selected, limited areas should be developed as new wildlife habitats in addition to those preserved with limited access.
5. Land use controls should be developed and adopted, including controls for: parking, roads, trails, landscaping, and building height limits.

Council and Commission Members

At the beginning of the year, a group of concerned citizens from the Berkeley community came together to discuss the impending and on-going problems of survival in the minority community. The conversation covered a variety of topics, but certain issues were of common and immediate concern to all: the availability of jobs, the area's economic development and affordable housing for blacks and other minorities in the community.

The statistics on the problems are alarming. For example:

- a) 23-27% unemployment amongst blacks in Berkeley
- b) Only 10% of Berkeley's entire population can afford to buy a single family housing unit in Berkeley
- c) Berkeley's black population statistics indicate that by 1990 the black community will decline from the current 20% to a mere 12% of the population

The cause and effect of these statistics have been studied and evaluated, but the real challenge is finding a solution -- a solution that lies partially in the increased economic development of Berkeley. Development can generate jobs for low skilled workers, provide affordable housing, and ultimately, produce a net tax gain to help maintain and leverage the support services currently suffering from federal funding cuts and an increasing demand by seniors, youths, and the unemployed.

The realities were so disturbing that the group agreed to work together to represent and voice the concerns of the minority community around the issues of jobs, economic development and housing in Berkeley. To that end, the Coalition for Responsible Economic Development was formed and the attached policy was developed to address the problems.

Coalition For RESPONSIBLE ECONOMIC DEVELOPMENT

Co-Chairs
EUWELL BATES
ROSE PORTER

Founding Members
FRANK O. BROWN
N.A.A.C.P.
LEO W. BROWN
South Berkeley
Senior Citizens, Inc.
FRANK DAVIS JR.
Sacramento Ashby
Improvement Corp.
AL SIMMONS
Berkeley Black Council
HUBERT SMITH
San Pablo
Neighborhood Assoc.
SARAH WALKER
West Berkeley
Health Center
CLINTON A. WHITE

1806 Alcatraz
Berkeley
California 94703
(415) 655-7889

We solicit your awareness, support, and commitment to creating a better life for blacks and other minorities in Berkeley through a policy that would lead to responsible economic development.

Rose Porter
Euwell Bates
Co-Chairs

Enclosure: Policy Statement of the Coalition
for Responsible Economic Development

*Coalition For
RESPONSIBLE
ECONOMIC
DEVELOPMENT*

Co-Chairs
EUWELL BATES
ROSE PORTER

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POLICY STATEMENT/GOALS

I. POLICY BACKGROUND

Some basic issues of concern for the Black and other minority citizens of Berkeley are jobs, economic development/equity participation and affordable housing. These issues deserve immediate attention as well as a plan for their resolution.

For example, the lack of jobs is causing a dramatic increase in the number of Berkeley citizens who are hungry; and federal and local efforts are inadequate to solve the problem. The continued situation can only lead to social unrest and disruptions which would require increased expenditures for social services and programs while at the same time such expenditures are being reduced or completely curtailed. Furthermore, the last census demonstrates that Blacks as a percentage of the entire city have decreased substantially because of the lack of jobs and other factors.

Of equal or more importance are the issues of economic development/equity participation and affordable housing.

Over the past decade and a half, Blacks and other minorities have become increasingly interested in the issues of economic development/equity participation as they relate to both private and public development projects. Through various civil rights groups, as well as minority architectural, engineering and construction associations, the minority community has increasingly demanded its fair share. In the Bay Area, this has usually meant 25 percent of all professional and contracting work done on any project. Recently, more emphasis has been placed on the question of equity participation in a completed development.

Finally, the issue of affordable housing is not only of concern to Black and other minority residents of Berkeley, but to the larger community as well.

Therefore, any Developer must be prepared with specific proposals in the following areas:

1. Jobs and professional services contracts for Blacks and other minorities during planning and design of the Development.
2. Jobs and contractor participation for Blacks and other minorities during construction.
3. Permanent jobs for Blacks and other minorities in the completed development. Particular emphasis should be placed on entry level jobs with growth potential.

4. Equity ownership for Blacks and other minorities in the completed development.
5. Affordable housing either on or off site.

These are all preliminary options to be presented to Developers. After they are presented, it is expected that negotiations on specific items will take place over a period of time.

The purpose of this policy/statement is to state the goals of the Coalition for Responsible Economic Development (CRED) and to present the following range of options for private Developers to consider. It is highly recommended that the Berkeley City Council consider adoption of a similar policy for all public works projects.

II. PRELIMINARY OPTIONS

A. Economic Development Options

The basic issues in economic development for the minority community will involve the development of a program to assure the participation of minority firms in the planning, design and construction of any given project, as well as a program for minority participation in the completed development. Our preliminary proposals are the following:

1. Professional Contracts

Guarantee that at least 30% of all professional contracts for planning and designing the project be awarded to minority professional firms, either through joint ventures or direct contracts. In addition, in cases where it is feasible or desirable, the developer could develop a program whereby minority professional firms could take an equity position in the completed development, in return for services rendered.

2. Construction Contracts

- a. Guarantee that at least 30% of all construction contracts be awarded to minority contractors. The Developer should require that bonding for the contractors be secured by the general contractor. The Developer could assist the minority contractors in securing any necessary working capital to run the jobs. The Developer could guarantee to contractors payment every thirty days for work completed.

- b. The Developer could require that the general contractor form a joint venture of some kind with a minority general contractor to build whatever is going to be developed, with, for example, the general contractor securing 90% of the bonding and financing necessary to complete the job. This could be, for example, a 75%/25% joint venture, with 25% held by the minority general contractor.

3. Minority Developer Participation

- a. The Developer could, whenever possible consider a program whereby it would transfer to a minority group, through some means, some developable land at below market rates. The problem will be to identify a minority development group with the experience and the financial ability to undertake the development.

At minimum, the Developer should be prepared to negotiate with minority developers or investors who want to take an equity position in the development.

- b. The Developer could consider assistance to planned minority developments in Berkeley. In effect, this would be a "Co-Venture" agreement.

4. Technical Assistance to Local Minority Developers/ Small Business Development

- a. Technical assistance is needed for several developments in South Berkeley, including the following:
 - o the 3000 block of Sacramento Street, designated as a revitalization project by the City.
 - o 18,000 square feet at the corner of Alcatraz and Sacramento
 - o the property on the east side of Adeline between Alcatraz and Harmon. Part of the site is privately owned and part is owned by the City. The site totals 34,750 square feet.

All of these developments will require some analysis in determining the necessary financing and the optimum mix of uses, as well as assistance in locating anchor tenants. The Developer could consider providing some technical services in those areas.

b. Revolving Loan Fund

The Developer could set up a revolving loan fund for South and West Berkeley minority owned businesses, with loans made available at below the prime interest rate.

To insure the integrity of such a program, it should be administered by an established financial institution with specific requirements for participation in the program.

c. Business Support Services

The Developer could provide for terms under which minority business enterprises in general and Berkeley community business enterprises in particular might participate in the provision of business support services to tenants in the completed development.

For example, minority firms could provide office maintenance and janitorial services; office supply, computer supply and computer support services; food service support to restaurants and hotels; and gardening and landscape services during operation of the completed development.

Clearly, assurances of participation in business support services may present contractual/lease problems in marketing of developed space for any development portion not held by the Developer, but these problems can be overcome.

Such support services could provide ideal vehicles for equity participation combined with relatively high employee wage earning levels for minority and low income community residents. For example, the development of contracts with owner-operator janitorial and landscape service community cooperatives would be impressive model while offering entry level employment at market competitive rates.

B. Jobs/Skills Training Options

The basic approach to jobs is to guarantee local and minority participation at a certain level in all planning, design and construction work as well as, to the extent possible, guarantee permanent jobs in the completed development. The basic proposals for Developer consideration are the following:

1. Consultant Contracts

Require that all consultants involved in planning and design for the development hire at least 25% of employees from among minority groups, with preference to Berkeley residents.

2. Construction Contracts

Require that 50% of all construction jobs go to residents of Berkeley, with 30% going to minorities. This would be carried out on a craft by craft basis.

3. Permanent Jobs

Require, to the extent feasible and legal, that 50% of all permanent jobs go to Berkeley residents with at least 30% going to minorities.

In addition, we propose that the Developer consider the following as examples of assistance in the area of job training:

1. East Bay Skills Center

a. Donate needed innovative equipment to the East Bay Skills Center. Some examples are the following:

- o \$200,000 for five (5) or six (6) computer assisted drafting (CAD) training stations.
- o \$200,000 for five (5) or six (6) computer assisted metal technology (CAM) training stations.
- o \$75,000 to a component of the electrical maintenance course that would teach robotics repair

b. Donate the time of the Developer executives to sit on Technical Advisory Councils at the East Bay Skill Center.

2. On Site Skills Training Facility

Devote space on site and funding for a training program directed at jobs that exist on site.

3. Pre-vocational Training

Provide funding for pre-vocational training. There will be a cessation of funding for pre-vocational training programs under the Job Partnership and Training Act. This will probably mean that the most hard-core unemployed will not be able to enter the existing training programs, which are developing entrance exams and higher standards to enhance their placement in the private sector.

4. Private Industry Councils

Provide funding for support of Private Industry Councils. The Private Industry Councils are mandated as the planning and decision-making body for job training and placement activities under the Job Partnership and Training Act. Little funding is provided for the administrative costs of providing training programs; no funding is available for on-the-job training counselors to function as liaison between trainees and private industry employers.

Operators of existing training programs indicate that the issue of administrative costs for job training and the problem of funding for job counselors are key concerns. They argue that the efficacy and placement success of training programs will be compromised by the lack of funding for these services.


(A summary of existing job training programs is attached).

C. Housing

There exists a large constituency, both in the population and among political and community leaders, for programs and actions which will abate the shortage of low and moderate cost housing stock. City staff is encouraging any assistance that the Developer can offer this area.

A range of opportunities is possible for joint development with the City and the University of California. The City and University could provide the site for the Developer to develop housing. The City could give an application for housing priority processing and waive permit fees. The City could also provide low cost and mortgage financing to buyers of assisted housing through the passage of the mortgage

revenue bond currently under consideration. The city could also assist in discussing site assemblage/acquisition, types of housing, project permits, project financing and post construction administration, with emphasis placed on potential sites in South and West Berkeley.



TO GAIN FOR ALL THE PEOPLE
USE OF BERKELEY BAYFRONT LANDS AND WATER
FOR OPEN SPACE AND RECREATION.

BERKELEY BAYFRONT COUNCIL

The Berkeley Bayfront Council formed as a baylands issue oriented forum around the stated purpose of gaining access for all citizens to the shore for recreation. Its members and their organizations were of the opinion that public access is the most essential element of a comprehensive plan for our refreshing shoreline. At this time those members are active, I hear, in continuing that purpose. Together we have been successful, I think, in assisting the community in its inimitable search for truth, in getting the issue of public access to this advanced position in so few years. As this forum sifts input, I urge mindful recognition of a long-standing Berkeley principle, which I will take the liberty of restating: that a workable plan for our bayshore land and water will guarantee public access to most of the shoreline, but primarily the plan must provide for a continuous, but varied, ribbon of public access to the entire extent of the recreational resource we have. A proposal to incorporate this critical public viewpoint can be made. I believe that such a proposal is acceptable as a pattern into which all the assorted public and private uses will ultimately fit. If we have a public access pattern laid on the land, each segment and contiguous parcel can be considered as to its most appropriate use over time. We need not design monolithic public improvements to be built at one time. Similarly, private development can be envisioned and planned to augment and be supported by public use, as needs and markets evolve in the future. Again, monolithic private development need not be the end product of negotiations between Santa Fe and the City of Berkeley. An appropriate balance between public recreational and private supplementary uses can be very successful for our waterfront if a public access plan is adopted to arrange and integrate the uses as they develop.



The Berkeley Beach Committee

2107 Fifth Street

Berkeley, California 94710

(415) 841-8562

Planning and Community
Development Department
Civic Center Building
2180 Milvia Street, 2nd Floor
Berkeley, California 94704

July 17, 1983 .

ATTN: Matthew A. Fouratt, Planning Administrator

My name is Curtis Manning, here representing the Berkeley Beach Committee (BEC) proposal for restoring Berkeley Beach to the stretch of Bay coast between Ashby and University Avenues. The BEC was founded in 1979.

As soon as the rough idea for the Beach took shape, contacts were made with representatives of relevant agencies and groups such as ABAG, BCDC, the Army Corps of Engineers, Save the S.F. Bay, Urban Care, and local elected officials. Benefiting from their input, the plan was further refined. When the Coastal Conservancy became an active player in the move to create the Shoreline Park, we participated in the Conservancy's Workshop process.

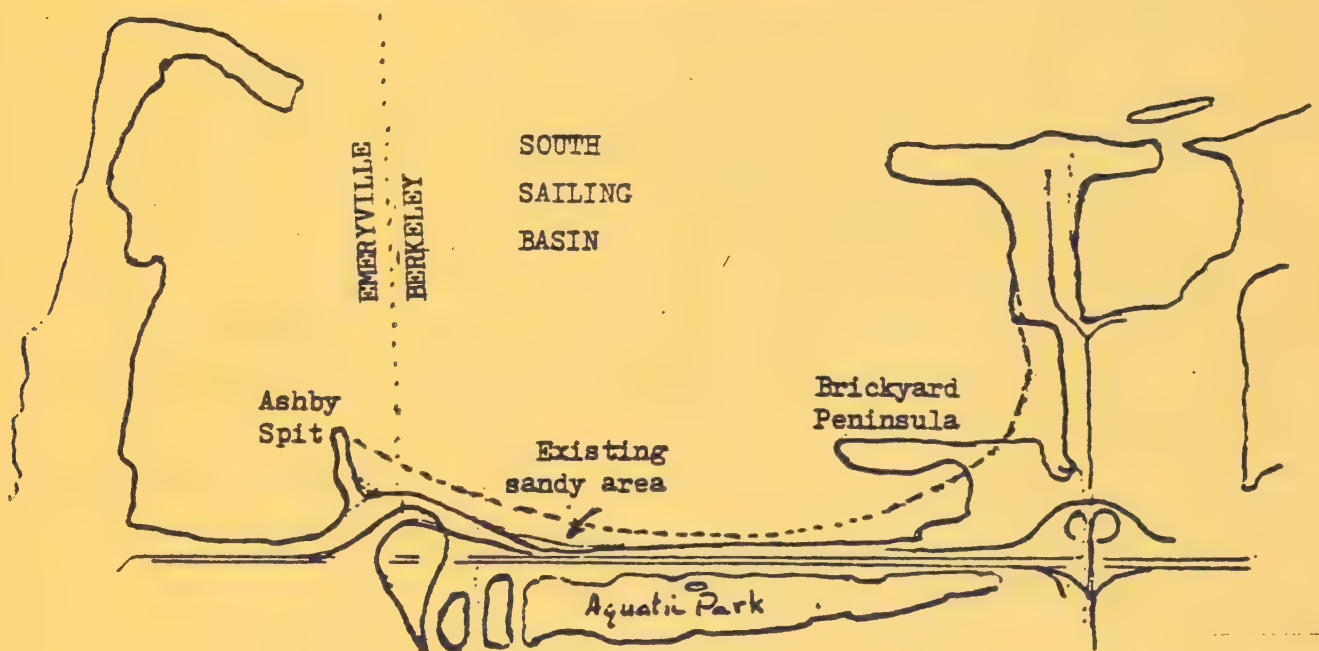
The Beach Committee is also currently acting as a subcommittee of the Coastal Conservancy Shoreline Park Advisory Committee since the Conservancy is the state entity through which the State Park is being implemented.

At the same time, there is a growing dialogue with consultants from the Santa Fe Land Development Co., which owns the land. Their attitude has been positive regarding beach development and sympathy for the environmental concerns which form the philosophical groundwork of the Berkeley Beach plan. Some say their motives in this are to mollify people's objections to commercial development on the Meadow. But I

prefer to believe that both sides of the question will see that a good beach will be beneficial to whatever use is made of the Meadow. We believe the Beach project will unify rather than polarize the city/Santa Fe relationship. Only at the extreme north end of the beach (at University and Frontage Rd.) is there land of sufficient size to contemplate any commercial development. Much of this is within the BCDC 100 ft. line and much of the rest is impacted by Frontage Rd. and University Ave.

The best use of this corner land, it seems to us, is for a parking lot, State Park visitor orientation center, dunes, picnic area and beach. However the area would also be able to house the kind of small scale seasonal enterprises we see there now. But this is controversial ground.

Now to the plan itself. The largest change contemplated, and the most crucial point for the beach plan is the removal of the Brick Yard peninsula, as shown. It is to be brought down to grade with the Basin



floor. The purpose of this is to approximate the dynamical equilibrium shape of the beach with minimum fill to the Bay. In this removal, approximately 130,000 cubic yards of clean fill will be generated at a cost estimated at \$300,000. This fill is to be placed along the shore to approach the configuration represented by the dotted line in the above drawing.

Once the backfill is in place, the sand on Ashby Shoal, one mile to the west in Berkeley's waters, will be pumped to shore. If the design of the beach is correct, seasonal variations of weather and

consequent shifting of sand will not unearth the backfill or be lost to the south.

Estimates show that the quantity of sand on the shoal is sufficient for a minimum but acceptable beach. Continuing deposition of sand offers the possibility of future replenishment and enhancement of the beach. The shoal is estimated to contain 750,000 cubic yards of sediment. Much of this is inappropriate for beach surface, but a clean band of sand on the Bayward side does exist - 800 feet wide, 4 ft. deep and probably 1300 feet long. Spread over the 4500 ft. of beach frontage gives a band of sand 5 ft. thick and 150 ft. wide. Using the existing sand on Berkeley Beach is also worth considering.

Other notable features of the Plan at the north end are the Strawberry Creek salt marsh natural area with island for wildlife isolation, an observation tower, and picnic area. The uses for the area will be strolling, sunbathing, windsurfing and fishing.

The southern portion of the beach will have similar possibilities for recreational development. The beach will terminate at the Ashby Spit in Emeryville. An underwater "groin" will project out into the water from there to help contain sand loss. It would be possible to put a small pier above the groin for fishing or observing.

The planting of hardy, low lying trees along the Frontage Road will help provide shelter from the wind as well as reducing the danger of sand blowing onto the road.

Parking will be possible in three locations as well as along Frontage Rd. Reasonable estimates for them in terms of square footage and an assumed "parking efficiency" rate are as follows: *

Ashby Spit (40% parking dominated)	139
Frontage Rd. (Parallel parking)	225
Brick Yard lot (40% parking)	397
"University lot" (70% parking)	382
Sum	<u>1143</u> cars

Pedestrian access will be markedly improved in 1986 so that area residents may bike and walk to the shore, leaving their cars at home, helping to reduce the the number of parking spaces needed. However it is not known how many people will leave their cars.

* Maximum car density was figured from Spengers' parking lot. Each car takes an average 315 square feet.

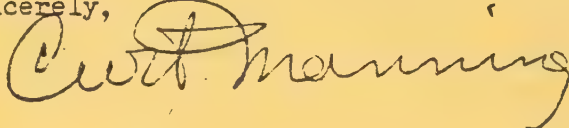
Once the general Beach Plan is accepted in principle by appropriate entities, a technical study should be undertaken to confirm the feasibility of the project. We look forward to this taking place within the next year or two.


Estimates for the cost of construction range from \$3 million to \$11 million. The low BBC estimate of \$3 million comes about by savings on the cost of extra backfill, the cost of dredging and transporting sand to the area, and by utilizing low maintainance native plant species for landscaping.

The question of ownership is a question which obviously must be confronted at some point, and likewise the question of the extent of commercial activity at the Brick Yard. While we believe the State Park concept is most appealing we realize the City, Santa Fe, and the Coastal Conservancy must finally decide.

Thank you for the opportunity to present our ideas in this forum.

Sincerely,

A handwritten signature in cursive script, reading "Curt Manning". The signature is written in dark ink and is positioned below the word "Sincerely,".



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The Berkeley Bayfront Council formed as a baylands issue oriented forum around the stated purpose of gaining access for all citizens to the shore for recreation. Its members and their organizations were of the opinion that public access is the most essential element of a comprehensive plan for our refreshing shoreline. At this time those members are active, I hear, in continuing that purpose. Together we have been successful, I think, in assisting the community in its inimitable search for truth, in getting the issue of public access to this advanced position in so few years. As this forum sifts input, I urge mindful recognition of a long-standing Berkeley principle, which I will take the liberty of restating: that a workable plan for our bayshore land and water will guarantee public access to most of the shoreline, but primarily the plan must provide for a continuous, but varied, ribbon of public access to the entire extent of the recreational resource we have. A proposal to incorporate this critical public viewpoint can be made. I believe that such a proposal is acceptable as a pattern into which all the assorted public and private uses will ultimately fit. If we have a public access pattern laid on the land, each segment and contiguous parcel can be considered as to its most appropriate use over time. We need not design monolithic public improvements to be built at one time. Similarly, private development can be envisioned and planned to augment and be supported by public use, as needs and markets evolve in the future. Again, monolithic private development need not be the end product of negotiations between Santa Fe and the City of Berkeley. An appropriate balance between public recreational and private supplementary uses can be very successful for our waterfront if a public access plan is adopted to arrange and integrate the uses as they develop.

OBJECTIVES OF CITIZENS FOR AN APPROPRIATE URBAN SHORELAND ENVIRONMENT
(C.A.U.S.E.)

July 12, 1983

I. Planning for the Future of Berkeley's Waterfront

C.A.U.S.E. believes that the following goals should guide planning efforts on the Berkeley Waterfront:

- A. Use of the remaining land areas of the Waterfront should be primarily recreational, and open in character.
- B. Any development of Waterfront lands must be considered in the context of Berkeley's overall land use and economic goals.
- C. Any structures on the Waterfront should respect and enhance the open visual integrity of the entire shore, and relate well to public uses.

C.A.U.S.E. URGES ADOPTION OF THESE GENERAL GOALS AND THEIR INCORPORATION INTO A MORE SPECIFIC AMENDMENT TO THE BERKELEY MASTER PLAN BEFORE ANY MORE DETAILED PLANNING FOR THE WATERFRONT OCCURS.

II. The Master Plan and the Development Process

A formally adopted general policy must be the groundwork for developing any specific proposals for the use of the Waterfront. The Master Plan is the legal instrument by which the City can chart its future and must be respected as such. This includes following relevant City procedures and state laws pertaining to subsequent approval of any development.

III. Model Amendment to Berkeley Master Plan

C.A.U.S.E. recommends the following as a framework for a more specific amendment to the Berkeley Master Plan:

Berkeley's Master Plan sets forth a vision for the city's future and proposes courses of action to achieve that future. Adopted for all of the city, the plan is a framework for seeing any part of Berkeley in relation to the whole community. Proposals made in the Plan must therefore each reinforce the central objectives of the Plan.

In relation to the Waterfront, major objectives of the Plan's land use element include the preservation of the city's unique physical and social character, particularly its superb natural environment, and the direction of appropriate business, commercial and industrial development to the downtown and other existing centers. The city has also committed itself to "develop an unbroken stretch of open space" along the Bay shoreline (Master Plan, 1977).

Recommended Objectives and Policies for Waterfront Master Plan Amendment

A. The Shoreline: The Emeryville to Richmond shoreline is a magnificent water-land resource. The City of Berkeley should plan for its portion of the shoreline as an integral part of the entire shoreline, and as an integral part of the city as a whole.

B. Land Use at Waterfront: The following policies shall govern the use of the Waterfront lands:

1. No development can occur which requires filling of the Bay.
2. Access to the shoreline by the citizens of the Bay region must be guaranteed and maximized.
3. All uses should be appropriate to the water-land relationship of the shoreline: they should be integrally related to the Bay setting and should avoid those uses already provided elsewhere in the city or appropriate for other locations in the city.
4. The primary use of the Waterfront should be for recreation that meets the needs of a wide range of Berkeleyans and other Bay Area citizens.
5. The overall design character of any structural use must respect and enhance the open, visual integrity of the entire shoreline, as viewed from the Waterfront, the Bay or the land areas to the east. Such use and design should blend in with the open nature of the Waterfront.
6. Other uses must not impair the primarily recreational, open nature of the Waterfront.

C. Waterfront Area Guidelines: The Berkeley Beach and the Brickyard should have no structural uses and maximum public access. The Meadow should have the maximum amount of open space, with any structural uses covering a maximum of 20 acres of the site. However, any allowed structural uses should be considered primarily for the North Basin strip/Gate Fields area.

D. Transportation and Access: The City shall develop an effective system of convenient, low-cost public transportation to the Waterfront for Berkeleyans, and wherever possible for all East Bay residents. The least possible land shall be devoted to parking uses, and all possibilities for pedestrian access should be fully explored.

E. Economic Development Objectives: Because the Master Plan proposes that existing centers be the focus of additional economic development, and because scenic and recreational development make the city more attractive to live and invest in, and to visit, the primary use of the waterfront shall not be for commercial or industrial development. However, any such employment

opportunities which are allowed consistent with the above policies shall meet the following guidelines:

1. Given the type of any economic development permitted on the Waterfront, the maximum feasible number of jobs shall be provided for those Berkeleyans who most need employment.
2. Any development will not have a negative effect on existing Waterfront businesses, or on economic development in other parts of Berkeley.
3. Any development will not result in long-term net fiscal costs to the City.

F. Implementation: The City will strive to ensure that the maximum amount of Waterfront land is acquired for public use. Any private uses allowed shall be subject to the appropriate ordinances implementing the above objectives and policies.

C.A.U.S.E

CITIZENS FOR AN APPROPRIATE URBAN SHORELAND ENVIRONMENT
P.O. BOX 5624
BERKELEY, CA 94705

(415)525-1486

Comments by Berkeley Design Advocates at Second Waterfront Information Meeting, July 10, 1983

I am speaking for Paul Kelly, Chair of the Committee on Waterfront Planning of Berkeley Design Advocates, an ad hoc group of architects, planners, landscape architects and people concerned with the built environment in Berkeley. The BDA has been monitoring and participating in the Waterfront meetings since the planning process was adopted early this year.

It is our concern that the development of the remaining available space along Berkeley's portion of the shoreline be multi-use and with a sense of community in an open, maritime setting. Berkeley should control the destiny of its waterfront and not be susceptible to rampant, unplanned development as has happened in Emeryville.

The development will take a good many years to plan and build and the economic benefit to the city in terms of revenue and jobs is important. Sound planning of this exceptional environment in consideration with downtown and other critical areas in the city can provide these benefits and still maintain a shoreline park and recreational space of value to all Berkeleyans. Here is an opportunity to produce a living, working and recreational environment that can express Berkeley's diverse and innovative character. Let us not deny future generations the most advantageous use of this superb site.

Given by Francis Violich, member
of BDA Committee on Waterfront Planning

Save San Francisco Bay Association

P.O. Box 925

• Berkeley, California 94701

• (415) 849-3053

• 849-3044

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July 18, 1983

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For: City of Berkeley Informational Meeting #2 Waterfront Planning Process

We would like to address the matter of goals, issues, policies, and criteria of Phase I of the Waterfront Planning Process. We also have a few comments on the Process itself.

Agreement on Waterfront Planning Policies is important to the planning process prior to discussion of specific plans. Incorporation of these policies or criteria into a Master Plan Amendment would ensure clear planning guidelines. All subsequent planning would be determined by, and be in accordance with, these stated policies, which is the purpose of Phase I.

However, recent discussion of Land Use Policies produced a large collection of ideas. While still ostensibly within Phase I, the participants at the last two community workshops were directed to depict in code colors and descriptive words "Land Use Plans". This would have been more appropriately reserved for a later stage.

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Logically, in our view, rezoning (Step #2) could be applied to the subject areas currently under study after the goals and policies are officially approved.

Following the establishment of zoning for appropriate land uses, specific plans -- public or private -- would be Step #3.

Before Step #2, rezoning, some questions need to be answered for the public. These include:

- I. What zoning classifications are appropriate for the suggested types of land use activities and densities?
- II. How do the assessed land valuations differ for these various classifications?
- III. What is the established manner for effecting zoning changes within the Berkeley City Master Plan?
- IV. How does the zoning procedure differ between a Planned Unit Development or Master Plan and a Negotiated Development Agreement?

We look forward to continuing communication with City Staff and Council Members regarding these concerns, issues, and questions.

The following list includes Save the Bay's General Goal and a working list of Land Use Planning Policies or Criteria.

GENERAL GOAL:

To provide an East Bay Shoreline State Park that will enhance and protect the Bay's unique and spectacular scenery, increase access to and use of the Bay, conserve the natural resources essential for fish and wildlife, and provide for the enjoyment of these resources in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations.

LAND USE PLANNING POLICIES OR CRITERIA:

The following are criteria for uses. They are complementary and all should be required to be met before approval of a specific plan. Criteria for design and cost/benefit should be established within these requirements.

1) Uses must take advantage of the Bay setting, providing views from the shoreline, the water, and afar.

2) Uses will meet needs, commercial and recreational, which are not already adequately provided for in Berkeley and/or the immediately adjacent areas.

3) Uses must comply with legal regulations on Bay fill and public access.

4) Uses will supplement the legal requirements for public access to the water.

5) Uses will, to the maximum extent possible, meet the needs of a diverse population (i.e., age, disability, sex, race, interests, income).

6) Provision must be made for exploring joint activities with educational institutions for general public benefit.

7) Uses in the total shoreline park area including Berkeley will complement, not interfere with each other to obtain the maximum net social benefits.

8) Uses must meet the requirements of a vehicular, pedestrian, bicycle, and handicapped parking and circulation plan for the entire Berkeley shoreland area.

9) Uses must be evaluated, prior to plan approval, in terms of the costs of development and operation, and in terms of the financial burden that would be placed upon the city of Berkeley.

Policies relating to Basic Design and Cost/Benefit issues would necessarily follow the established policies on uses. These would include:

BASIC DESIGN POLICIES

1) Bayfront development should enhance the pleasure of the user or viewer of the Bay especially from the shoreland areas, from the Bay itself, and from opposite shores.

2) Structures and facilities that do not visually complement the Bay should be located and designed so as not to impact visually on the Bay and shoreline. In particular, parking areas and traffic corridors should be located away from the shoreline except for small areas providing fishing and viewing uses.

3) Views of the Bays from vista points, from roads, freeways, and other areas should be maintained by appropriate arrangements and heights of all developments and landscaping between the view areas and the water.

4) Vista points should be provided in general locations with access compatible with age and handicapped requirements.

COST/BENEFIT POLICIES

1) The amount and quality of employment provided in both the long and short run shall be evaluated prior to plan acceptance.

2) The plan must include agreement on the allocation of development, operating, and maintenance costs among public and private entities over a specified period of time.

NATIONAL COALITION

TO PRESERVE SCENIC BEAUTY

44 East Front Street, Media, Pennsylvania 19063
(215) 565-9131

c/o

Yale Maxon
820 Euclid Avenue
Berkeley California

Mr. Matthew Fouratt, Planning Administrator,
Staff, Planning & Community Development Department
City of Berkeley

Ladies and Gentlemen:

As Vice President of the National Coalition to Preserve Scenic Beauty and on behalf of the Planning and Conservation League on whose Board I serve, I welcome this opportunity to participate in the complex but important task of formulating a realistic and at the same time culturally mature policy for Berkeley's portion of the East Bay waterfront.

What is ultimately decided will influence the environment and hence the lives of Berkeleyans for many decades to come. Therefore decisions should not be made on a short-term basis--to provide quick bucks for developers or temporary one-time jobs for workers--but should instead be designed to benefit all Berkeleyans for years to come.

The organizations that I represent regard the preservation and enhancement of scenic beauty as a major environmental goal. The beauty of Nature has a subtle restorative effect on man's spirit. Shakespeare said that "Music hath charms to soothe the savage beast," but in our time, when the noise and rush and frustrations of urban life threaten to reduce us to savagery, contact with the beauty of unspoiled Nature has a similar soothing influence.

Therefore, since visually San Francisco Bay is one of the earth's prime beauty spots, in our view the preservation of open space and of maximum visual access to the Bay and its shoreline should be the overriding principles underlying all planning for the East Bay waterfront.

"Maximum visual access" is certainly not currently available. Thousands of motorists and passengers who travel along the Berkeley shoreline are now cut off from seeing the Bay by a narrow north-south corridor of filled land currently called "The Brickyard". This obtrusive fill--which cuts off visual access both of travellers along the East Shore Freeway and of more leisurely travellers along the frontage road west of the freeway south of University Avenue--should be removed.

Returning to the shoreline itself, we endorse as both feasible and desirable the proposal advanced by the Berkeley Beach Committee that measures be taken to restore the Berkeley Beach that once existed: by constructing a groin and bringing in sand from an available sand bar in the Bay. Provision for carrying out this project should be part of the over-all shoreline plan whether or not this area is later incorporated into an East Bay Shoreline Park as part of the State Park system.

More convenient access to the Berkeley Bayfront by foot should also be provided for in the planning, and for this purpose we suggest negotiation with CALTRANS for a minimum of three pedestrian over-passes: one opposite

the southern end of Aquatic Park, one perhaps just south of University Avenue, and one in the vicinity of Gilman Street. Bus service to and from the waterfront area should at the same time be improved. There is only so much open space in the Berkeley Bayfront, and as little of it as possible should have to be devoted to parking areas which are by nature sterile, uninteresting places, and to automobile traffic which many people go to parks to get away from.

More importantly, gas shortages are practically certain to reappear within a few years, and to grow--increasingly in coming decades--into a major inhibitor of recreational driving. With gas at \$3.00 a gallon a great many Berkeleyans will be constrained by economic necessity to seek recreation in near-by areas--preferably within walking distance. Such persons living in Southwest or Northwest Berkeley and wishing to walk, jog, picnic or fish near the water will, in many cases find themselves within walking distance of Berkeley's Bayfront area and will in fact proceed by foot, provided convenient pedestrian access is available over the Eastshore Freeway.

For those living further east, plans should be made for frequent bus service which, as explained earlier, would both minimize the conversion of precious Bayfront land into ugly parking compounds and cut down on automotive traffic within the Bayfront area.

In conclusion, the beauty of the Bay is a precious long-term resource which, if wisely nurtured, is capable of renewing the spirits of Berkeleyans for the indefinite future.

But natural beauty is a fragile thing--easily spoiled by "development", auto traffic, and parking lots. Let us therefore seek, as a major consideration in our planning, to preserve and enhance the natural beauty of the Bay as a splendid and potentially enduring source of enjoyment for ourselves and for future generations.

---oOo---

Gilman

OTHER GROUPS (No written statements provided)

South Berkeley Task Force (Frank Davis).

Problems of affordable housing and unemployment must be considered in all City decisions. South Berkeley will only support plans for the waterfront which acknowledge these problems and indicate how development of the waterfront will impact them.

Los Amigos de Codornices (Fran Violich)

Described work of community group in restoring Codornices Park and restoring Codornices Creek. This creek and Strawberry Creek feed into the bay; group would like to seek creeks open and continuous all the way from the hills to the bay.

Cal Sailing Club (Paul Kamen)

Described organization as one that is cooperatively owned and not connected with the University; group makes sailing accessible and affordable. Would support the provision of facilities so that more non-profit cooperative organizations such as Cal Sailing can provide recreational opportunities for all segments of the population.

Golden Gate Women's Soccer League (Regina Beatus)

Described problems of finding fields to play on, both for the women's league and youth leagues. Many fields currently in use are vulnerable to alternative developments. Recommends 3 to 5 multi-purpose fields in plans for the waterfront.

FRIENDS OF AQUATIC PARK

Aquatic Park has had a long and interesting history. Initially a WPA Project created it. It fell into disuse after WWII and for a time a threat to sell the land to use as industrial sites was very real. Thanks to the City Council and a group of citizens who were opposed to the sale of public park lands, the park was saved and plans for its improvement were begun. The use of the park has grown as the plantings and facilities have been improved, but at this moment Aquatic Park has its big chance to play a major role for the City. Think how obvious and accessible the waterfront would be if it were possible to have surface access to the Berkeley beach and indeed the whole of the waterfront. What would be more ideal than a direct route on the surface for walkers, bicycles and even automobiles to the whole of the waterfront? Remove the freeway barrier, elevate it between University and Ashby Avenue, and permit Berkeley direct connection to the water. This may be a visionary concept, but this is the time to be visionary. I think we should emulate the man who saved money by running after a taxi instead of a streetcar.

R E P O R T O N

WATERFRONT PLANNING PROCESS -- PHASE I

INFORMATIONAL MEETING #2

Monday, July 18, 1983
City Council Chambers

7:00 P.M.
2134 Grove Street

PLANNING ACTIVITIES OF LOCAL AND
REGIONAL PUBLIC AGENCIES

PLANNING ACTIVITIES OF STATE AGENCIES

Cal Trans

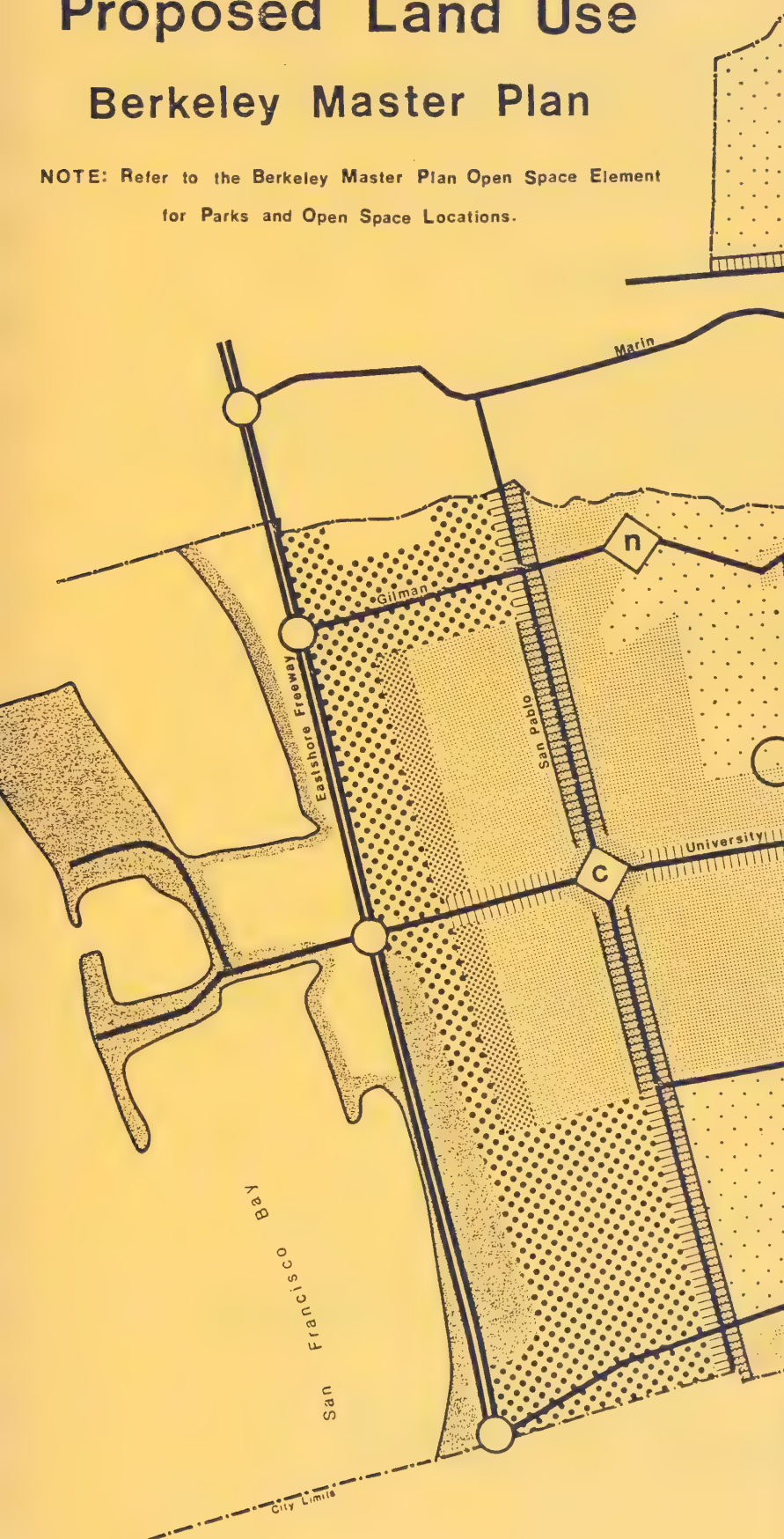
State Coastal Conservancy
State Parks Department

PLANNING ACTIVITIES OF COMMUNITY
ORGANIZATIONS

Sierra Club-East Bay Shoreline Park Task Force
Coalition For Responsible Economic Development
South Berkeley Task Force
Berkeley Bayfront Council
Berkeley Beach Committee
C.A.U.S.E (Citizens for an Appropriate Urban Shoreline Environment)
Los Amigos de Codornices
Berkeley Design Advocates
Berkeley Black Council (no report presented)
Friends of Aquatic Park
Cal Sailing Club
Golden Gate Women's Soccer League
Planning and Conservation League & National Coalition to Preserve Scenic Beauty
Save San Francisco Bay Association

Proposed Land Use Berkeley Master Plan

NOTE: Refer to the Berkeley Master Plan Open Space Element
for Parks and Open Space Locations.



Legend

- 0-30 Persons per Residential Acre
- 31-50 Persons per Residential Acre
- 51-70 Persons per Residential Acre
- 71-120 Persons per Residential Acre
- Central District
- Commercial Service District
- Commercial/Residential District
- Neighborhood Shopping District
- Community Shopping District
- Area for Future Study
- Industrial District
- Special Industrial District
- Recreation/Institutional
- Freeway and Interchange
- Thoroughfare
- B.A.R.T.D. Station
- Seismic Safety Study Boundary

SCALE IN FEET
0 2500 5000 7500



Prepared by the Comprehensive Planning Department July, 1976

POLICY 3.31

(See also Policy 1.70 in the Land Use Element)

The Recreation Commission shall have the initial responsibility for parks and recreation facility development plans including the publicly-owned waterfront lands.

POLICY 3.32

Encourage community involvement in the construction of small public park projects.

POLICY 3.33

Planning for parks and facilities should be based upon comprehensive and thorough evaluation of the present and estimated future needs and desires of Berkeley residents.

POLICY 3.34

Recreation facilities should be flexibly and safely designed to serve the needs of people.

POLICY 3.35

All recreation facilities in the City of Berkeley should be well-maintained and staffed to carry out needed recreation programs and services.

WATERFRONT

The waterfront is defined as all property, public and private, bordered by Albany on the north and Emeryville on the South located west of the I-80 Freeway, and also including those lands east of the freeway commonly described as Aquatic Park.

POLICY 3.40

Require that all new development within the waterfront area meet the following criteria:

- Complement the unique waterfront setting.
Insure adequate public access to the shoreline or other public places
- Enhance recreational opportunities and insure use of the waterfront area by a diverse population (age, sex, race, income)

- Recognize areas which require special management or regulation because of hazardous, unstable soil conditions or other special conditions
- Complement existing recreation or commercial-recreation development

In addition, there shall be specific site plans developed for each of the public areas and these shall become a part of this element.

POLICY 3.41

The waterfront should be designed to be visually interesting and attractive both within itself and as viewed from a distance. Plans for the area should include a creative shoreline design, incorporating varying elevations of terrain and retention of a maximum amount of water with public access.

POLICY 3.42

Increase access for pedestrians and bicyclists to the waterfront. The first order of priority should be given to changes to each waterfront access so that pedestrians and bicyclists may have safe access to the Bay front.

POLICY 3.43

The publicly-owned land north of Spinnaker Way should be devoted to public open space and recreation and not developed with structures or organized sports activities. The area will be pedestrian and bicycle-oriented (with no public roads through or around the area) and protected from the intrusion of incompatible uses.

POLICY 3.44

Develop an unbroken stretch of open space along the shoreline from Albany to Emeryville.

POLICY 3.45

Enhance existing recreation and commercial recreation development.

CHAPTER 13

REGULATIONS FOR U DISTRICTS

Section 13.0. APPLICABILITY OF REGULATIONS.

The following regulations shall apply in all U Districts and shall be subject to the provisions of Chapter 15.

Section 13.1. USES PERMITTED.

All uses not otherwise prohibited by law provided that a Use Permit shall be secured for any use to be established in U Districts.

Section 13.2. OTHER REGULATIONS.

Building height limits, building site area required and yards required shall be as specified in the Use Permit.

Section 13.3. USE PERMIT PROCEDURE.

No application for a Use Permit as required in Section 13.1. hereof shall be considered by the Board of Adjustments until it has first been submitted to the City Planning Commission and a report has been received therefrom, provided that if the Planning Commission shall have failed to report within thirty (30) days after such submission this requirement shall be deemed to have been complied with. The decision of the Board of Adjustments in granting or denying a Use Permit, and any conditions attached thereto by the Board, together with the report of the Planning Commission on the matter, shall be transmitted by the Secretary of the Board to the City Clerk within seven (7) days after the meeting at which said decision is made. No such decision of the Board of Adjustments shall become effective until after action by the City Council as provided in Section 13.4 hereof.

Section 13.4. ACTION BY CITY COUNCIL.

The City Clerk shall present said decision and report to the City Council at its next regular meeting and the Council shall place the matter on the agenda of a subsequent meeting not less than seven (7) nor more than twenty-eight (28) days in the future. The City Council may affirm, reverse, or modify the decision of the Board of Adjustments. In the event that an appeal is taken to the City Council, as provided in Section 20.5(a) or (b) hereof, action on said appeal and review of the decision of the Board of Adjustments may be taken by the City Council at one and the same time.

ARTICLE 2.5

Development Agreements

[Added by Stats 1979 ch 934 § 1.]

- § 65864. Legislative finding and declaration
- § 65865. Who may enter into development agreement: Establishment of procedures and requirements for consideration of development agreements
- § 65865.1. Inclusion of provisions requiring periodic review: Termination or modification of agreement as result of review
- § 65865.2. Contents of development agreement
- § 65865.3. [No section of this number]
- § 65865.4. Enforcement of development agreement
- § 65866. Governing rules, regulations, and official policies
- § 65867. Public hearing on application for development agreement: Notice
- § 65867.5. Development agreement as legislative act: Approval
- § 65868. Amendment or cancellation of development agreement
- § 65868.5. Recordation of copy of agreement: Effect
- § 65869. Applicability of agreement to development project located in area for which coastal program is required to be prepared and certified
- § 65869.5. Modification or suspension of provisions as necessary to comply with state or federal laws or regulations

§ 65864. Legislative finding and declaration

The Legislature finds and declares that:

(a) The lack of certainty in the approval of development projects can result in a waste of resources, escalate the cost of housing and other development to the consumer, and discourage investment in and commitment to comprehensive planning which would make maximum efficient utilization of resources at the least economic cost to the public.

(b) Assurance to the applicant for a development project that upon approval of the project, the applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval, will strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development.

Added Stats 1979 ch 934 § 1.

§ 65865. Who may enter into development agreement: Establishment of procedures and requirements for consideration of development agreements

Any city, county, or city and county, may enter into a development agreement with any person having a legal or equitable interest in real property for the development of such property as provided in this article. Every city, county, or city and county, may, by resolution or ordinance, establish procedures and requirements for the consideration of development agreements upon application by, or on behalf of, the property owner or other person having a legal or equitable interest in the property.

Added Stats 1979 ch 934 § 1.

§ 65865.1. Inclusion of provisions requiring periodic review: Termination or modification of agreement as result of review

Procedures established pursuant to Section 65865 shall include provisions requiring periodic review at least every 12 months, at which time the applicant, or successor in interest thereto, shall be required to demonstrate good faith compliance with the terms of the agreement. If, as a result of such periodic review, the local agency finds and determines, on the basis of substantial evidence, that the applicant or successor in interest thereto has not complied in good faith with terms or conditions of the agreement, the local agency may terminate or modify the agreement.

Added Stats 1979 ch 934 § 1.

§ 65865.2. Contents of development agreement

A development agreement shall specify the duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The development agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement. The agreement may provide that construction shall be commenced within a specified time and that the project or any phase thereof be completed within a specified time.

Added Stats 1979 ch 934 § 1.

§ 65865.3. [No section of this number]

§ 65865.4. Enforcement of development agreement

Unless amended or canceled pursuant to Section 65868, a development agreement shall be enforceable by any party thereto notwithstanding any change in any applicable general or specific plan, zoning, subdivision, or building regulation adopted by the city, county, or city and county entering such agreement, which alters or amends the rules, regulations or policies specified in Section 65866.

Added Stats 1979 ch 934 § 1.

§ 65866. Governing rules, regulations, and official policies

Unless otherwise provided by the development agreement, rules, regulations, and official policies governing permitted uses of the land, governing density, and governing design, improvement, and construction standards and specifications, applicable to development of the property subject to a development agreement, shall be those rules, regulations, and official policies in force at the time of execution of the agreement. A development agreement shall not prevent a city, county, or city and county, in subsequent actions applicable to the property, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property as set forth herein, nor shall a development agreement prevent a city, county, or city and county from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations, and policies.

Added Stats 1979 ch 934 § 1.

§ 65867. Public hearing on application for development agreement: Notice

A public hearing on an application for a development agreement shall be held by the advisory agency and by the legislative body. Notice of intention to consider adoption of a development agreement shall be given as provided in Sections 65854, 65854.5, and 65856 in addition to such other notice as may be required by law for other actions to be considered concurrently with the development agreement.

Added Stats 1979 ch 934 § 1.

§ 65867.5. Development agreement as legislative act: Approval

A development agreement is a legislative act which shall be approved by ordinance and is subject to referendum. A development agreement shall not be approved unless the legislative body finds that the provisions of the agreement are consistent with the general plan and any applicable specific plan.

Added Stats 1979 ch 934 § 1.

§ 65868. Amendment or cancellation of development agreement

A development agreement may be amended, or canceled in whole or in part, by mutual consent of the parties to the agreement or their successors in interest. Notice of intention to amend or cancel any portion of the agreement shall be given in the manner provided by Section 65867. An amendment to an agreement shall be subject to the provisions of Section 65867.5.

Added Stats 1979 ch 934 § 1.

§ 65868.5. Recordation of copy of agreement: Effect

No later than 10 days after a city, county, or city and county enters into a development agreement, the clerk of the legislative body shall record with the county recorder a copy of the agreement, which shall describe the land subject thereto. From and after the time of such recordation, the agreement shall impart such notice thereof to all persons as is afforded by the recording laws of this state. The burdens of the agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

Added Stats 1979 ch 934 § 1.

§ 65869. Applicability of agreement to development project located in area for which coastal program is required to be prepared and certified

A development agreement shall not be applicable to any development project located in an area for which a local coastal program is required to be prepared and certified pursuant to the requirements of Division 20 (commencing with Section 30000) of the Public Resources Code, unless: (1) the required local coastal program has been certified as required by such provisions prior to the date on which the development agreement is entered into, or (2) in the event that the required local coastal program has not been certified, the California Coastal Commission approves such development agreement by formal commission action.

Added Stats 1979 ch 934 § 1.

§ 65869.5. Modification or suspension of provisions as necessary to comply with state or federal laws or regulations

In the event that state or federal laws or regulations, enacted after a development agreement has been entered into, prevent or preclude compliance with one or more provisions of the development agreement, such provisions of the agreement shall be modified or suspended as may be necessary to comply with such state or federal laws or regulations.

Added Stats 1979 ch 934 § 1.

demonstration county and city, the office shall assure that consideration is given to meeting existing state requirements and standards in those areas covered by Section 65302.

(Added by Stats. 1978, Ch. 1123.)

65427. Upon selection of the demonstration sites, the Director of the Office of Planning and Research shall notify state agencies empowered to plan for the development of physical facilities of the site locations and boundaries. Each state agency shall notify the legislative body of the demonstration county or city if it plans the acquisition, lease, rental, or construction of physical facilities within the jurisdiction of the demonstration county or city during the demonstration period, and, insofar as possible, shall coordinate its plans with those of the demonstration county or city.

(Added by Stats. 1978, Ch. 1123.)

65428. To the extent permitted under applicable federal laws, the governing body of a demonstration county or city may accept any federal grant funds available to the county or city for a purpose consistent with the purposes of this article from any federal grant which allows the expenditure therefrom of amounts sufficient to reimburse the Office of Planning and Research for costs incurred in the administration of a demonstration project utilizing the grant funds.

(Added by Stats. 1978, Ch. 1123.)

State cooperation

Federal funds

Article 8. Authority for and Scope of Specific Plans

65450. The planning agency may, or if so directed by the legislative body shall, prepare specific plans based on the general plan and drafts of such regulations, programs, and legislation as may in its judgment be required for the systematic execution of the general plan and the planning agency may recommend such plans and measures to the legislative body for adoption.

(Added by Stats. 1965, Ch. 1880.)

65450.1. A specific plan need not apply to the entire area covered by the general plan. The legislative body or the planning agency may designate areas within a city or a county for which the development of a specific plan will be necessary or convenient to the implementation of the general plan. The planning agency may, or if so directed by the legislative body shall, prepare specific plans for such areas and recommend such plans to the legislative body for adoption.

(Added by Stats. 1971, Ch. 1446.)

65451. Such specific plans shall include all detailed regulations, conditions, programs and proposed legislation which shall be necessary or convenient for the systematic implementation of each element of the general plan listed in Section 65302, including, but not limited to, regulations, conditions, programs and proposed legislation in regard to

Specific plan

Area of plan

Contents of plan

Location and regulation
of buildings and
land uses

Location and standards
for transportation
facilities

Density, water supply
and waste disposal

Conservation and
development of
natural resources

Open space

Other measures

Implementation of
specific elements

Inducements for prepar-
ing specific plans

the following:

(a) The location of housing, business, industry, open space, agriculture, recreation facilities, educational facilities, churches and related religious facilities, public buildings and grounds, solid and liquid waste disposal facilities, together with regulations establishing height, bulk and setback limits for such buildings and facilities, including the location of areas, such as flood plains or excessively steep or unstable terrain, where no building will be permitted in the absence of adequate precautionary measures being taken to reduce the level of risk to that comparable with adjoining and surrounding areas.

(b) The location and extent of existing or proposed streets and roads, their names or numbers, the tentative proposed widths with reference to prospective standards for their construction and maintenance, and the location and standards of construction, maintenance and use of all other transportation facilities, whether public or private.

(c) Standards for population density and building density, including lot size, permissible types of construction, and provisions for water supply, sewage disposal, storm water drainage and the disposal of solid waste.

(d) Standards for the conservation, development, and utilization of natural resources, including underground and surface waters, forests, vegetation and soils, rivers, creeks, and streams, and fish and wildlife resources. Such standards shall include, where applicable, procedures for flood control, for prevention and control of pollution of rivers, streams, creeks, and other waters, regulation of land use in stream channels and other areas which may have a significant effect on fish, wildlife and other natural resources of the area, the prevention, control and correction of soil erosion caused by subdivision roads or any other sources, and the protection of watershed areas.

(e) The implementation of all applicable provisions of the open-space element as provided in Article 10.5 (commencing with Section 65560) of this chapter.

(f) Such other measures as may be necessary or convenient to insure the execution of the general plan.

(Repealed and added by Stats. 1971, Ch. 1446.)

65452. Such specific plans may also include all detailed regulations, conditions, programs, and proposed legislation which may be necessary or convenient for the systematic implementation of any general plan element as provided in Section 65303.

(Added by Stats. 1971, Ch. 1446.)

65453. (a) The Legislature hereby declares its intent to encourage counties and cities to undertake the work and responsibility for development of specific plans. At the time a specific plan is presented to the legislative body for adoption, the city or county shall also prepare and present a complete cost breakdown, including costs incurred pursuant to Division 13 (commencing with Section 21000)

of the Public Resources Code, and the legislative body shall make a determination of the cost thereof. The legislative body, after adopting a specific plan, may impose a special fee upon persons seeking governmental approvals which are required to be in conformity with the specific plan. The amount of the fees shall be established so that, in the aggregate they defray, but as estimated do not exceed, the cost of development and adoption of the specific plan. As nearly as may be estimated, the fee charged shall be a prorated amount in accordance with the applicant's relative benefit derived from the specific plan. It is the intent of the Legislature in providing for such fees to charge those builders, developers, and others who benefit from development of specific plans for the costs thereof which result in savings to them by reducing the cost of documenting environmental consequences and advocating changed land uses which may be authorized pursuant to the specific plan.

Copies of specific plans shall be made available to local agencies and the general public.

(b) Notwithstanding any other provision of law, no environmental impact report or negative declaration need be filed pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code for any residential project, including any land subdivision or zoning change, which is undertaken pursuant to and in conformity with a specific plan for which an environmental impact report has been certified under such provisions after January 1, 1980. In such cases, the environmental impact report for the specific plan shall constitute compliance with the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code. However, if, after adoption of the specific plan, an event as specified in Section 21166 of the Public Resources Code should occur, the provisions of this subdivision shall be inapplicable to projects undertaken pursuant to (or in conformity with) such specific plan unless and until the city or county which adopted the specific plan prepares and certifies a supplemental environmental impact report for the specific plan in accordance with the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code. Where such a supplemental environmental impact report is prepared, the exemption specified in this subdivision shall be applicable to projects undertaken pursuant to the specific plan after the notice required by subdivision (a) of Section 21152 of the Public Resources Code has been filed for the specific plan as reconsidered by the supplemental environmental impact report.

An action or proceeding alleging that a public agency has approved a project pursuant to (or in conformity with) a specific plan without having previously adopted a supplemental environmental impact report for the specific plan, where required by this subdivision, shall be commenced within 30 days of the public agency's decision to carry out

or approve such project in accordance with the specific plan.

(c) Subdivision (b) of this section does not supersede Section 21080.7 of the Public Resources Code, but shall provide an alternative procedure.

(Added by Stats. 1979, Ch. 1207.)

Article 9. Procedure for Adoption of Specific Plans and Regulations

Notice and hearing by commission

65500. Before recommending to the legislative body that it adopt a specific plan or regulation or any amendment to a specific plan or regulation, the planning commission shall hold at least one (1) public hearing. Notice of the time and place of said hearing shall be given at least 10 calendar days before the hearing in the following manner:

(a) If the matter is before a county planning commission, the notice shall be published at least once in a newspaper of general circulation published and circulated in the county, or if there is none, it shall be posted in at least three public places in the county.

(b) If the matter is before a city planning commission, the notice shall be published at least once in a newspaper of general circulation published and circulated in the city, or if there is none, it shall be posted in at least three public places in the city.

In addition to notice by publication, a county or city may give notice of the hearing in such other manner as it may deem necessary or desirable.

Any hearing may be continued from time to time.

(Repealed and added by Stats. 1965, Ch. 1880.)

Majority approval

65501. The recommendation of any specific plan or regulation, or of any amendment to a specific plan or regulation, shall be by resolution of the planning commission carried by the affirmative votes of not less than a majority of its total voting members.

(Repealed and added by Stats. 1965, Ch. 1880.)

Submission to legislative body

65502. A copy of any specific plan, regulation, or amendment recommended pursuant to this article shall be submitted to the legislative body and shall be accompanied by a statement of the planning commission's reasons for such recommendation.

(Repealed and added by Stats. 1965, Ch. 1880.)

Adoption after notice and hearing by legislative body

65503. Upon receipt of a copy of any proposed specific plan or regulation or amendment of such plan or regulation the legislative body may by ordinance or resolution adopt the plan or regulation. Before adopting the proposed specific plan or regulation the legislative body shall hold at least one (1) public hearing. Notice of the time and place of said hearing shall be given in the time and manner provided for the giving of notice of the hearing by the planning commission as specified in Section 65500.

In addition to notice by publication, a county or city may give notice of the hearing in such other manner as it may deem necessary or desirable.

Any hearing may be continued from time to time.

Such plan or regulation, as adopted, shall be designated as a specific plan or regulation.

(Repealed and added by Stats. 1965, Ch. 1880.)

65504. The legislative body may approve, disapprove, or modify the recommendation of the planning commission on any proposed specific plan, regulation, or amendment thereto. Any modification proposed by the legislative body which was not previously considered by the planning commission during its hearing shall first be referred to the planning commission for its report and recommendation to the legislative body. It shall not be necessary for the planning commission to hold a public hearing on the proposed modification. Failure of the planning commission to report within 40 days after the reference, or such longer period as may be designated by the legislative body, shall be deemed to be approval of the proposed change or addition.

(Amended by Stats. 1982, Ch. 923. Effective September 10, 1982.)

65505. If the city does not have a planning commission, the only procedural steps required for the adoption of a specific plan or regulation or any amendment to a specific plan or regulation shall be those provided in this article for action by the legislative body.

(Repealed and added by Stats. 1965, Ch. 1880.)

65506. Nothing in this article applies to the adoption or amendment of any ordinance by the legislative body, whether or not it may relate to the subjects mentioned in Article 8 of this chapter, except ordinances expressly adopting or amending a specific plan initiated pursuant to this chapter.

(Amended by Stats. 1970, Ch. 1590.)

65507. When it deems it to be for the public interest, the legislative body may initiate and adopt an ordinance or resolution establishing a specific plan or an amendment thereto. The legislative body shall first refer such proposal to establish such specific plan or amendment thereto to the planning commission for a report. Before making a report, the planning commission shall hold at least one public hearing. The planning commission shall report within 40 days after the reference, or within such longer period as may be designated by the legislative body. Before adopting the proposed plan or amendment the legislative body shall hold at least one public hearing. Notice of the time and place of hearings held pursuant to this section shall be given in the time and manner provided for the giving of notice of hearings by the planning commission as specified in Section 65500.

(Added by Stats. 1970, Ch. 677.)

Changes reviewed by
commission

Procedure without
commission

Application to other
ordinances

Adoption on initiative
of legislative body

Article 10. Administration of
Specific Plans and Regulations

Local rules

65550. The legislative body may determine and establish administrative rules and procedures for the application and enforcement of specific plans and regulations and may assign or delegate such administrative functions, powers, and duties to the planning or other agency as may be necessary or desirable.

(Repealed and added by Stats. 1965, Ch. 1880.)

Administration and fees

65551. The legislative body may create administrative agencies, boards of review, appeal, and adjustment, and provide for other officials, and for funds for the compensation of such officers, employees, and agencies and for the support of their work. If a county or city legislative body, including that of a charter city, in order to provide funds necessary for the work of such officers, employees, and agencies, establishes any fees to be charged pursuant to any of the provisions of this chapter, the fees shall not exceed the reasonable cost of providing the service for which the fee is charged. The fees shall be imposed pursuant to Chapter 13 (commencing with Section 54990) of Part 1 of Division 2 of Title 5.

(Amended by Stats. 1981, Ch. 914.)

Public works conformity
with specific plan

65552. No street shall be improved and no sewers or connections or other improvements shall be laid or authorized in any street within any territory for which the legislative body has adopted a specific street or highway plan until the matter has been referred to the planning agency for a report as to conformity with such specific street or highway plan and a copy of the report has been filed with the legislative body unless one of the following conditions applies:

(a) The street has been accepted, opened, or has otherwise received the legal status of a public street prior to the adoption of the plan.

(b) It corresponds with streets shown on the plan.

(c) It corresponds with streets shown on a subdivision map or record or survey approved by the legislative body.

(d) It corresponds with streets shown on a subdivision map previously approved by the planning commission.

Such report shall be submitted to the legislative body within forty (40) days after the matter was referred to the planning agency.

(Repealed and added by Stats. 1965, Ch. 1880.)

Public works conformity
with street or high-
way plan

65553. No street shall be improved, no sewers or connections or other improvements shall be laid or public building or works including school buildings constructed within any territory for which the legislative body has adopted a specific plan regulating the use of open-space land until the matter has been referred to the planning agency for a report as to conformity with such specific plan, a copy of the report has been filed with the legislative

body, and a finding made by the legislative body that the proposed improvement, connection or construction is in conformity with the specific plan. Such report shall be submitted to the legislative body within forty (40) days after the matter was referred to the planning agency. The requirements of this section shall not apply in the case of a street which was accepted, opened, or had otherwise received the legal status of a public street prior to the adoption of the specific plan.

(Added by Stats. 1970, Ch. 1590.)

Article 10.5. Open Space Lands

65560. (a) "Local open-space plan" is the open-space element of a county or city general plan adopted by the board or council, either as the local open-space plan or as the interim local open-space plan adopted pursuant to Section 65563.

Definitions

(b) "Open-space land" is any parcel or area of land or water which is essentially unimproved and devoted to an open-space use as defined in this section, and which is designated on a local, regional or state open-space plan as any of the following:

(1) Open space for the preservation of natural resources including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, bays and estuaries; and coastal beaches, lakeshores, banks of rivers and streams, and watershed lands.

(2) Open space used for the managed production of resources, including but not limited to, forest lands, rangeland, agricultural lands and areas of economic importance for the production of food or fiber; areas required for recharge of ground water basins; bays, estuaries, marshes, rivers and streams which are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply.

(3) Open space for outdoor recreation, including but not limited to, areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches, and rivers and streams; and areas which serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.

(4) Open space for public health and safety, including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water

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